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CX K 32

EDUCATION (TRINID...

RETURN to an Address of the Honourable the House of Commons,
dated 2 August 1870;—*for,*

P A P E R S

ON THE

STATE OF EDUCATION IN TRINIDAD.

Colonial Office,
8 August 1870.

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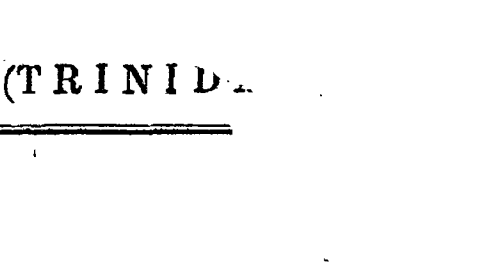
W. MONSELL.

AY BRANCH
OF THE
Asiatic Society.



(*Mr. Monsell.*)

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Ordered, by The House of Commons, *to be Printed,*
10 *August* 1870.

CX-K-32

PAPERS

ON THE

STATE OF EDUCATION IN TRINIDAD.

— No. 1. —.

REPORT upon the State of Education in the Island of *Trinidad*, by *Patrick Joseph Keenan*, Esq.

Re

TRINIDAD.

[Seal.]

Arthur Gordon.

By His Excellency the Honourable *Arthur Hamilton Gordon*, Companion of the Distinguished Order of St. Michael and St. George, Governor and Commander-in-Chief in and over the Island of *Trinidad*, and its Dependencies, Vice-Admiral thereof, &c , &c., &c.

To *Patrick Joseph Keenan*, Esq.

Know ye that I, the Honourable Arthur Hamilton Gordon, Governor and mander-in-Chief, as aforesaid, do, by these presents, authorise and appoint , the said Patrick Joseph Keenan, to make a diligent and full inquiry into state of public Education, whether secular or religious, in the Island of idad.

nd I do hereby enjoin and require all Wardens, and all Masters, or Assistant sters of Schools, and all other persons whomsoever, to be aiding and assisting in such inquiries, to the best of their skill and ability.

n witness whereof I have to this my commission set my hand, and caused Seal of the Colony to be affixed hereto.

Dated at Government House, in the Town of Port of Spain, in the Island of Trinidad, this 10th day of February, in the year of our Lord 1869.

By His Excellency's command,

John S. Bushe,
Colonial Secretary.

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REPORT.

To the Right Honourable the Earl *Granville*, K.G., Her Majesty's Secretary of State for the Colonies.

My Lord,

Instructions.

1. On the 16th of January I had the honour of receiving your Lordship's instructions to inquire into the state of education in Trinidad, and report the result of my investigations, as well as the means most effectual for the improvement of the public schools of that island.

Departure.

2. On the following day I left Dublin for Southampton, where I arrived on the 18th, just in time to catch the West Indian mail packet which sailed that afternoon.

Ar

3. On the 6th of February I arrived at Trinidad.

4. In compliance with your Lordship's instructions, I reported myself, immediately after my arrival, to his Excellency the Honourable Arthur Gordo the Governor, who received me with the greatest possible kindness a consideration.

Commission.

5. On the 10th of February I was honoured with his Excellency's commission "to make a diligent and full inquiry into the state of public education, whether secular or religious, in the island of Trinidad." On the same day a notification of the issue of his Excellency's commission was published in the Official Gazette.

Difficulty of getting lists of schools.

6. I received from the inspector of schools a list of all the Government schools he colony; but as I proposed to examine every public school, whether aided the Government or not, I sought for a similar list of the non-endowed schools. cepting the Governor, I met with no one who had any idea where those non-owed schools were to be found; and to his Excellency's kindness in denoting situation of most of them on a map, I was, at the outset, very much indebted. own subsequent experience enabled me to discover the whereabouts of every lic school in the island.

Statistical returns.

7. Before com ing my inquiries I resolved upon disarranging the ordinary ocedure of the schools as little as possible. The only statistical returns that I led for were a copy of the ordinary quarterly report which the teachers of the vernment schools furnish to the inspector, and a nominal list of all the pupils had been present in those schools during any portion of the year 1868, with umber of attendances made by each.

Table of attendance.

Owing to imperfections or omissions in the registers or rolls of the ndowed schools, *i. e.*, schools not aided by the State, I soon found that the s exhibiting the quality of the attendance at such schools were unreliable, at their collection would be simply useless. The table, given in the dix, of the comparative quality of the attendance relates, accordingly, to vernment schools only.

Want of roads.

rinidad is, on the average, about 50 miles long by about 40 miles broad· 754 square miles, is nearly identical with that of Lancashire. But affords no idea whatever of the difficulty or the labour of travelling extent of the island. There are very few roads. Even between ns in the island, Port of Spain and San Fernando, both on the 2 miles apart, the road is passable by carriages for only part of coast there is the accommodation of a steamer, which runs Cedros, calling at the intermediate places; and radiating re roads, more or less good, which lead to the majority r directions, and over a considerable portion of the accomplished either on horseback or on foot. For on one occasion nearly 13 hours to perform the

journey between Mayaro and the Lothians estate, a distance of only 36 miles; the "trace" for nearly the whole length of the way being through virgin forest.

hotels. 10. Personally I have no reason to complain of the inconvenience resulting from the absence of hotels, of which there are none in any part of the island, except Port of Spain, inasmuch as the hospitality of the planters and others enabled me to accomplish the visitation of all the public schools.

ools visited. 11. My sojourn in the island was from the 6th of February to the 8th of April. In that interval I inspected the following educational institutions:—

—	—	Number of Pupils Present.		
		Boys.	Girls.	Total.
Upper-Class Schools	1. The Queen's Collegiate School - - -	68		68
	2. The College of the Immaculate Conception -	111	-	111
	3. St. Joseph's Convent (Boarding School) -	-		82
Primary Schools -	4. The Normal School - - - - -	5		7
	5. The Boys' and Girls' Model Schools - -	103		89
	6. The Free Model School - - - -	76		76
	7. The three Borough Schools of Port of Spain and San Fernando - - - - -	222		255
	8. The thirty Ward Schools - - - -	804		993
	9. Thirteen non-endowed Roma Catholic Schools - - - - - - - -	217		243
	10. Twenty-two non-endowed Protestant Schools	256		280
	11. The Coolie Orphan Home - - - -			12
	TOTAL - - -	1,860		

Pupils examined. 12. I thus visited 76 different scholastic establishments, which I exam... 3,103 pupils.

Special reports. 13. For your Lordship's information I make a separate and detailed ... upon each of those 76 establishments.

Purely private schools not visited. 14. Schools which are merely private speculations, established and exclu... controlled by their respective teachers, I did not feel justified in v... Scattered throughout the island there are many such schools. In Port o... alone there are eight private schools for the education of Roman Cathol... attended, as I learn from returns with which I was furnished, by 25... Under this category I do not include the Convent Boarding School, wh... attained the dimensions, and which certainly exhibits all the essential ch... istics, of a public school. There are also several private schools, of whic... unable to obtain a return, for the education of Protestant girls.

Every public school visited. 15. I took particular care to leave no school unvisited upon which any public money had been expended.

Historical points affecting education. 16. Before I enter upon a statement of the results of my i... serviceable, in elucidation of the difficulties and peculiarities ... tion, so far at least as Trinidad is concerned, to bring ... mind in a few words, the leading historical points wh... upon the schools and the schooling of the people of t...

Spanish colonists. 17. The original colonists of the island were th... colonisation was so feeble and unsuccessful that, in...

their arrival, the island being then a dependency of Caracas, the white population numbered only 126; the free coloured people, 2,958; the slaves, 310; and the aborigines, 2,032.

French immigrants.

18. The Council of the Indies, concerned about the waning fortunes of the colony, at this period invited European immigration, securing to the immigrants certain immunities, and to the island certain advantages. Thereupon, numbers of people flocked to the island. But the immigration was not confined to the Spanish race. From Guadaloupe and Martinique, French families came, year after year, in considerable numbers; and at a subsequent period, when revolution and massacre had led to an exodus of the French from Hayti, many of the refugees sailed to Trinidad for an asylum and a home. The immigrants were, in numerous cases, accompanied by their slaves. Spanish and French were the languages of the colonists, and their religion was the Roman Catholic. In 1797, when the island was taken by the British, the population had increased to 18,000. Then the Protestant religion was introduced; new principles of commerce were mooted, and new ideas of government promulgated. The British applied themselves almost exclusively to the cultivation of the sugar cane, by which immense fortunes were rapidly made, and as rapidly transferred to England. The French and Spaniards, on the other hand, not confining themselves to the production of sugar, also cultivated the cacao and the cocoa-nut, and established their homes and their hopes in the island. Hence the predominant religion continued to be the Roman Catholic, and the prevailing languages a *patois* of French in some, and of Spanish in other parts of the colony. In the meantime the population from year to year continued to increase, and the island to flourish. In 1834 there were 43,678 people in the colony, very nearly one-half of whom were slaves. That was the year of emancipation. The whites then numbered 3,632; the free coloured people, 18,627; the slaves, 20,657; and the aborigines, only 762. After the abolition of slavery, there was such a dreadful scarcity of labour that immigrants, chiefly free blacks from North America, and coloured people from the neighbouring islands, were imported in considerable numbers, at the public expense. In the first half of the year 1840 there were welcomed to the island nearly 4,000 immigrants of these classes. Here, again, was another new element in the constitution of the population, its peculiarity being its unquestionably Protestant character. The old settlers still adhered to Catholicism, still spoke their *patois* of Spanish or French, still clung to their old traditions, and indulged in their old habits. The British element was strengthened by the circumstance that, in the majority of cases, the language of the new comers was English. But the supply of labour was yet unequal to the demand; and the Government had to turn to a new field for fresh recruits. Accordingly, in 1845, coolies from India were introduced for the first time.

Trinidad taken by England.

Abolition of slavery.

Protestant immigrants.

Coolies.

19. It was in 1846 that Lord Harris assumed the government of Trinidad. He found no regular organisation of schools in operation. The several religious bodies embraced, within their connexion, schools which were aided, but not superintended or controlled, by the Government. Attended by some 1,000 children, there were about 40 such schools; but their reputation for efficiency appears to have been exceedingly low. Lord Harris very soon turned his attention to a reform of the plan of public education. In a message, delivered on the 1st of February 1847, he announced that an ordinance to empower the Government to establish a system of general instruction would be proposed to the Legislative Council. In contemplation of the difficulties arising from differences of race, language, and religion, he decided on proposing "that the Government should attempt to carry out nothing more than what is generally termed secular instruction."

Lord Harris.

Education reform.

20. The project remained in abeyance until 1851, for, in the meantime, Lord Harris "was desirous to have the Warden's Ordinance thoroughly established, as any general plan of instruction should be worked by its means."

In abeyance.

21. In 1851, the question was again brought before the Legislative Council. The nationalities of the community were even more heterogeneous that year than in 1847. Of the 69,609 who composed the population in 1851, 40,627 were native-born Trinidadians; 10,812 had been born in the different British colonies; 8,097 had been born in Africa; 4,915 had been born in other foreign countries; 4,169 were coolies; 729 were natives of the United Kingdom; and

Heterogeneous population.

260 were of miscellaneous origins. When classified according to religions, the heterogeneous character of the population was still more striking :—

Roman Catholics		43,605
Church of England	16,246	
Wesleyans	2,508	
Presbyterians	1,017	20,449
Independents	123	
Baptists	448	
Other Christians	98	
Gentoos	2,649	
Mahometans	1,016	4,545
Heathens	880	
Unaccounted for		1,019
		69,609

Social difficulty.

22. The Government had, therefore, to encounter difficulties in respect to race, language, and religion ; but there was yet another difficulty—a social one, the existence of which could not be deliberately ignored. Seventeen years had passed away since the emancipation of the 20,657 slaves of the island. Many of them still survived ; and many others who had been slaves in the neighbouring colonies became free settlers in Trinidad. To such people society was only a chaos. In it they could recognise neither design, nor purpose, nor symmetry. For its duties their habits ill-suited them ; for its responsibilities their intuition was defective. Nevertheless, they formed a considerable proportion of the people, and it became the duty of the State to mould them into good citizens. Accordingly, in his new scheme of education, Lord Harris had to consider their condition and necessities.

Secular principle.

23. When, on the 2nd of April 1851, Lord Harris finally submitted his scheme to the Legislative Council, he still adhered to his original idea that secularism was to be the essentiality of the system.

"I decided," he said, "on this plan with considerable anxiety and in no spirit of pride, but rather that of deep humiliation ; for I am obliged to come to the conclusion that the unfortunate differences which exist in religion would prevent any united action if this subject were introduced ; and though I acknowledge to the fullest the immense importance of this subject in developing the powers of man, I thought it better, under the circumstances, that it should be left to be provided for by other means."

Object of historical sketch.

24. I have taken some pains to place briefly before your Lordship a representation of the circumstances of the colony in respect to race, religion, and language, not simply with the view of depicting the general difficulties of the problem of education in Trinidad, but chiefly with the desire of doing all the justice in my power to Lord Harris, the distinguished founder of the new system, by calling to mind the exigencies of the time when he undertook to establish it.

Fundamental principles.

25. The fundamental principles of the new system were :—

(*a.*) That no religious instruction whatever was to be imparted in the schools.

(*b.*) That under no circumstances were the schoolmasters to give the religious instruction.

(*c.*) That the religious instruction of the children was to be committed to their respective pastors, who, upon a day set apart for the purpose in each week, the schools being closed on that day, were to impart such instruction in the churches or elsewhere.

(*d.*) That the instruction in the schools was to be of such a character as not to offend the religious susceptibilities of any of the inhabitants of the colony.

(*e.*) That no school fees were to be charged.

(*f.*) That the school expenses were to be met by local rates.

(*g.*) That the entire management and control of the schools, the appointment and dismissal of teachers, the determination of the course of instruction and of the books to be employed, were to be vested in a Board of Education.

26. A Board

26. A Board of Education was accordingly formed. An inspector of schools was appointed, arrangements for the foundation of schools were agreed upon, rules for the guidance of the teachers and for the conduct of the pupils were drawn up, a programme of school business was fixed upon, and model schools for boys and girls, as well as a normal school for the training of schoolmasters, were opened in Port of Spain. The wardens, the clergy, and the Board of Education were earnestly solicited to co-operate with the Governor in promoting the success, and diffusing the advantages, of the new system of education. System inaugurated.

27. Lord Harris's scheme appears to have been received with much popular favour. Its operation was to become a heavy burthen upon the taxpayers; but there was little or no murmuring. Its policy excluded the clergy from participation in the management of the schools; but on this score there was no demonstration of disappointment or hostility. That the clergy ever cast their influence in a decided and sympathizing manner into the fortunes of the measure, I have not been able to learn; but at the time of the foundation of the system, their proceedings, although perhaps only tentative, were not manifestly unfriendly. Well received.

28. Between 1851 and 1869 generations of Roman Catholic priests had passed away. In February, when I arrived, there were in the island only two Catholic clergymen who had witnessed the inauguration of Lord Harris's system; and before I took my departure in April, one of the two, Monsignore Farfan, was dead. The most Rev. Dr. Gonin is the fourth archbishop since the education system was founded. In the interval of 18 years, however, the opinion of the Roman Catholic community has veered from a practical acquiescence to a most uncompromising opposition. I met with nearly all the priests in the island, and invariably found them to be avowed enemies of the system. I also elicited the opinions of most of the leading members of the Roman Catholic laity, which opinions I found to be pretty identical with those of the clergy. I could not fail to apprehend the history and the development of this hostility; but for my present purpose it will suffice to observe that it is attributed to the principle of the system, which the Roman Catholics pronounce to be vicious, and to its results, which they point to as baneful. Wherever they have had funds, they have opened schools under their own exclusive management, making religion an indispensable feature of the instruction. I examined 13 of these schools, and for your Lordship's information, I give in the Appendix a separate report on each. Change in Roman Catholic opinion.

29. Changes have also occurred in the ranks of the Protestant clergy since 1851. I cannot speak as to the extent of those changes; I only know that the Venerable the Archdeacon of Trinidad, who witnessed the inauguration of the system in that year, happily survives. There are 13 or 14 clergymen of the Church of England. Upon the education question they are by no means unanimous. The Rev. Mr. Laurie, of Savanetta, for instance, energetically stigmatises the ward-school system; whilst the Rev. Mr. Graham, of Chaguanas, is enthusiastic in his admiration of it. The Archdeacon warmly bestows his approbation upon the system; but in connection with the Erin Ward School he subverts its fundamental principle. Not only is there religious instruction daily in this school, but the school-room is a licensed place of worship, and the master not only imparts that instruction, but is himself the licensed catechist of the district. In the Cedros, as well as in the Erin Ward School, the Archdeacon performs public service once a month, as acting island curate. At St. John's he has a largely-attended non-endowed school, in which the Church catechism is taught to all the pupils, the majority of whom are Roman Catholics, although the San Juan Ward School, which is not far distant, is available for instruction on the secular principle of Lord Harris's system. Each of the seven rectors in the island has at least one non-endowed school, conducted on purely denominational principles; yet most of those clergymen, on grounds of alleged expediency, are favourable to the secular system. For instance, the Rev. Henry Richards, Rector of St. Mary, says that "the secular system of instruction is the only practicable one under the peculiar circumstances of the colony;" but opposite his own parsonage gate, and within a few minutes' walk of the ward school of Tacarigua, he has in full operation a non-endowed denominational dame school. I made particular inquiry in every part of the island as to whether the clergy took any steps to promote the success of the ward schools. My information almost Protestant opinion not unanimous.

almost invariably was to the effect that they did not. In my special reports will be found the cases of 20 schools which I visited, denominational in their organisation, and under the management of the clergy of the Church of England. Yet, as I have said, most of the Protestant clergy favour the secular principle of the Government schools.

Protestant laity.

The Protestant laity are, I think, almost unanimous in their approval of the secular principle. Few of those, however, with whom I came into contact had the faintest idea of the real condition of the ward schools.

Schools under Board.

30. Under the administration of the Board of Education there are the 30 ward schools, the model school for boys, the model school for girls, the normal school, and the Queen's Collegiate School. The appointment and removal of the teachers, and the entire control and management of the schools, are vested in the board. There are no local managers, but the wardens have a kind of official connection with the schools of their respective wards. Of this connection, and of local relations generally in regard to the schools, I shall have to speak hereafter. The two borough schools of Port of Spain, and the borough school of San Fernando, are under the immediate control of the respective borough corporations; but the inspection of these schools is intrusted to the officer of the Board of Education.

Special reports.

31. In the special reports which I make upon the ward, the borough, and the model schools, I give a statement as to (1.) the condition of the house and its suitability; (2.) the adequacy of the furniture; (3.) the teacher's name, age, salary, &c.; (4.) the character of the organisation; (5.) the state of the school accounts; (6.) the quality of the pupils' attendance; (7.) the average age of the pupils; (8.) the results of my examination; (9.) the religious knowledge of the pupils; and (10.) the expense of the school. In some instances my reports refer, in addition, to other subjects of interest or importance.

School houses.

32. Of the 30 ward schools, 13 are the property of the wards, and 17 are hired buildings. The borough schools of Port of Spain and San Fernando, and the model schools, are all held in hired buildings.

Suitability.

33. Of the 13 schools which are the property of the wards, six—namely, St. Ann's (Laventille), Arima, La Brea, Cedros, Icacos, and Mayaro—are suitable and in good repair; six others—namely, St. Joseph, Couva, St. Joseph (Naparima), Iere Village, Indian Walk, and Guapo—are in bad repair or otherwise unsuitable; and the remaining one, Arouca, is fairly suitable.

Hired buildings.

34. Of the 17 hired buildings only two, Maraval and the Mission, are suitable and in good repair; four others, Santa Cruz, Maraccas, Tacarigua, and Victoria Village, are fairly suitable and in tolerable repair; whilst 11 are unsuitable or in bad repair, namely, Carenage, Diego Martin, San Juan, Caura, Chaguanas, Savenetta, Ponte-à-Pierre, St. Madeleine, Canaan Village, Oropouche, and Erin.

Model and Borough school houses.

35. The boys' model school is quite unsuitable; the accommodation in the girls' model school is altogether inadequate; the Town Hall Borough School of Port of Spain is utterly unsuitable; the Eastern Market Borough School is commodious and tolerably suitable; and San Fernando Borough School is barely suitable.

Discreditable state of school houses.

36. Considering that 18 years have elapsed since the Board of Education was established, one cannot avoid being struck with the fact, evidencing, as it does, great apathy in the working of the system, that only 13 of the school-houses of the colony are the property of the public. Originally it must have been contemplated that all the school buildings should be public property; for Lord Harris, in his instructions to the Board, directed that "the school-houses should be placed in such positions as are most convenient for the children of each locality;" and he added, that he "purposed to procure all the information he could respecting the form and building of school-houses." I certainly was not prepared for the condition of the school-houses; for the complete indifference exhibited, in the majority of cases, to symmetry, to stability, to appropriateness of design, to neatness, to comfort, and even to health and decency. There are 17 of the ward school-houses (six the property of the wards, and 11 hired buildings) which would bring discredit upon any country that recognises civilisation as a principle of government. Life is positively in danger in such a school as

as Oropouche, where the wood under your feet is rotten, where decay has seized the walls, where the atmosphere is pestilential, and the odours are sickening and intolerable. The source of this sad condition of things lies in every case in the absence of a vigilant eye on the spot. With the exception of the Governor, the inspector is the only person who takes any genuine interest in the condition of the schools. But the inspector's visits are necessarily few. If there were a local manager, defects could at once be remedied. The duties of the warden in the matter are very dubious. My researches into the early operations of the system incline me to believe that the warden was endowed with a local responsibility as to the management of the school. Living authorities, however, have assured me that such was not the case, that the school was virtually derelict—a nobody's child. The stinginess occasioned by the plan of local taxation for the maintenance of the schools is, no doubt, another cause of the neglected condition of the school-houses.

Designs of school houses.

37. Generally speaking, the design of the school buildings has no reference whatever to school purposes. Verandahs or exterior galleries, suitable to the climate, are rarely thought of. There are, however, a few exceptions. The school at Laventille is remarkable for its elegance and appropriateness of design. The school at Icacos, erected under the advice of Mr. Guppy, the inspector, is also a pleasing specimen of a useful style of house. But in tropical climates, subject to heavy rains and squally weather, galleries or verandahs around the buildings are absolutely essential. I had no experience of the rainy season in Trinidad; but I was informed that at that season the rain frequently gushes suddenly and violently through the open windows, inundating the rooms, disturbing the routine of business, and producing various other inconveniences. An arrangement of exterior galleries around the buildings would, I was told, considerably obviate all this.

Material.

38. The material of the school-houses is usually wood; iron has been suggested as an improvement. I consider the experiment worthy of a trial.

Teachers' residence.

39. Nearly all the ward school-houses have dwellings attached to them, which the teachers enjoy rent free. The dwelling is usually a part of the block of wooden buildings, of which the school-room forms another part. Internal communication between the school-room and the residence is not uncommon. In most cases the accommodation is confined, inconvenient, and uncomfortable. I have, however, formed a very decided opinion that it is a mistaken indulgence to establish the teacher's quarters close to the school. In tropical climates the "hammock" is a most seductive temptation to the indolent. I am afraid that teachers occasionally retreat to it during the school hours. If the residence were a quarter of a mile from the school, the temptation would be comparatively weak and resistible. The proximity of the teacher's quarters to the school-room leads to various other inconveniences; for instance, the members of the teacher's family are constantly running in and out and interrupting the school business; whilst the teacher himself, in looking after his domestic affairs, is often distracted from his school duties. At Chaguanas the crying of a baby in the teacher's apartment very seriously impeded my examination of the pupils.

Out offices.

40. Connected with the school buildings there is an element of lamentable neglect which I cannot pass over unnoticed. The cultivation of decent habits and delicate feelings should, under the peculiar circumstances of the colony, be a primary consideration in the organisation of the schools. This principle will appear all the more important when it is borne in mind that every ward school is, to a greater or less extent, attended by girls as well as by boys. Out-offices, therefore, are absolutely indispensable; yet of the 30 ward schools only 16 are provided with these conveniences; and of the 16, seven are in a discreditable condition. Even of the 13 schools which are the property of the wards, six are destitute of out-offices; and in no less than four of the remaining seven cases the out-offices were in a filthy or dilapidated condition. The borough and model schools are provided with offices; but, as I mention elsewhere, those attached to the boys' model school were, when I first visited, in an extremely neglected condition. Upon this topic I consider it unnecessary to dilate; the facts suggest their inevitable commentary.

Furniture.

41. The furniture of the schools is of the rudest kind. Not a single desk with any

any of the modern improvements—not a class-post—nothing, in short, that would indicate an appreciation of the approved school appliances of the age—is to be met with. Arranged under the heads "good," "fair," and "bad," in respect to the suitability and adequacy of their furniture, the 30 ward schools may be classified as consisting of seven which are *good*, three which are *fair*, and 20 which are *bad*. The "bad" class comprehends every variety of defect, down to those of the Erin school, in which there are no desks at all. Rough and ungainly as the furniture usually is, its disposition in the school-room makes it even less attractive-looking than it might be, and less useful. The desks are generally so placed that the children, when seated at them, have their faces turned towards, and within a foot or so of the wall. This arrangement is unhealthy as regards the children, and inconvenient as regards the teacher. In the girls' model school the supply of furniture is satisfactory. In the boys' model school, and in the Borough schools, it is only tolerably satisfactory. But with a few exceptions, the amenities, within or without, receive very little attention in the schools of Trinidad.

Teachers, people of colour.

42. The teachers of the Government primary schools are all persons of colour, with the exception of Mrs. Alcock, head mistress of the girls' model school, her husband, Mr. Alcock, who acts as her assistant, and Mr. Walker, of the Borough Town Hall School. I do not venture to advance any objection to this arrangement; at the same time, I think it extremely desirable that a number of European female teachers should be induced to establish themselves in the colony. Considerations of the weightiest moral importance suggest this idea to my mind.

Ages of teachers.

43. The following are the ages of the elementary teachers:—

3	are from	20	to 25	years of age.
7	„	26	„ 30	„
8	„	31	„ 35	„
8	„	36	„ 40	„
3	„	41	„ 45	„
2	„	46	„ 50	„
1	is from	51	„ 55	„
and 2	are from	56	„ 60	„

An examination of this table would lead one to conclude that the staff is composed of experienced and matured persons, more than two-thirds being upwards of 30 years of age. But they possess neither the solidity nor the influence of character which English teachers of corresponding ages could be credited with. For an exemplification of this I take leave to refer your Lordship to my remarks upon the normal school.

Married.

44. Of the 34 principal teachers of primary schools, 27 are married.

Salaries.

45. Trinidad is an expensive place to live in. Wages run high, and the pay of teachers is commensurately high. The master of the model school has 300 *l.* a year; the mistress of the model school, 250 *l.* a year; one of the Borough school-teachers, 200 *l.* a year; another, 150 *l.* a year; and another, 125 *l.* a year. Of the Ward school teachers—

1	has	125 *l.*	a year (for teaching two schools).
6	have	100 *l.*	„
1	has	95 *l.*	„
8	have	90 *l.*	„
2	„	85 *l.*	„
6	„	80 *l.*	„
1	has	75 *l.*	„
2	have	70 *l.*	„
2	„	60 *l.*	„

The average salary of the teachers of the Ward schools is 87 *l.*

Salary not determined on any principle.

46. I could discover no principle, having reference to average attendance, to the qualifications of the teacher, or to the results produced, upon which the rate of salary is determined. Average attendance can have nothing to say to the question,

question, for the teacher of Savanetta, whose average last year was only 19, had 90 *l.* a year; the teacher of Couva, whose average last year was only 21, and the teacher of St. Madeleine, whose average last year was only 28, had each 100 *l.* a year; whilst the teacher of Maraval, whose average was 60, had only 75 *l.* a year; and the teacher of Laventille, whose average was 63, had only 80 *l.* a year. A reference to my special reports will show that the explanation lies neither in the qualifications of the master nor in the results of his teaching. It is the *school*, useful or worthless, important or insignificant (as the case may be), which commands the salary. The Cuva school, for instance, although a wretched one, ensures 100 *l.* a year to its master, whilst the Laventille school, in which there is treble as much work to be done, commands a salary of only 80 *l.* a year. The evil of this system is, that clever teachers, when the opportunities present themselves, fly off to less important schools, for the advantage of a trifling increase of salary. At the beginning of the present year, mainly in consequence of the amount of salary to be gained or lost, several changes in the teacherships were made by the Board of Education. The Board wished to reward some teachers by sending them to schools to which higher pay was attached; and to punish others by sending them to schools in which the pay was lower. It would be difficult to over-rate the mischief caused by this movement.

Removals from one school to another.

The promotions were:—

Mr. Fitzwilliam, from 75 *l.* at Maraval to 90 *l.* at Iere village.

Mr. Greenidge, from 90 *l.* at Oropouche to 100 *l.* at St. Madeleine.

Mr. Birmingham, from 80 *l.* at Laventille to 90 *l.* at St. Joseph (Naparima).

Mr. Wears, from 90 *l.* at St. Joseph (Naparima) to 100 *l.* at the Mission (Savanna Grande).

The depressions were:—

Mr. Seely, from 100 *l.* at the Mission (Savanna Grande) to 90 *l.* at Oropouche.

Mr. Daniel, from 90 *l.* at Iere village to 80 *l.* at San Juan.

Mr. Purcell, from 100 *l.* at San Madeleine to 75 *l.* at Maraval.

[Mr. Estmond was removed from 80 *l.* at San Juan to the same salary at St. Ann's, Laventille.]

Injudiciousness of changes.

Here, out of the 30 schools, are eight that have changed teachers since the beginning of the current year. Besides, Tacarigua school has had a new teacher; the former teacher, Mr. Innis, having resigned; and Pointe-à-Pierre must soon have a new master, as the late master was dismissed by the Board on the 27th of March. The number of changes may thus be set down as 10. The removal of the La Brea and Guapo teacher, and of the Cedros teacher, was mooted at the same meeting of the Board. The inconsiderateness of some of the changes is very remarkable. Mr. Purcell was brought away from St. Madeleine, a purely English-speaking district, to Maraval, a district where English is nearly unknown; although he is incapable of speaking a word of Spanish or French. For all useful educational purposes he might as well have been transferred to a school on the banks of the Orinoco. Mr. Estmond was removed from San Juan to St. Ann's (Laventille), to fill the place of a young, energetic, and clever man, who, for the sake of an additional 10 *l.* a year and a free lodging, was transferred to St. Joseph, North Naparima, a village and school of very minor importance. St. Ann's (Laventille), on the contrary, is among the most important ward schools in the colony. It is held in a beautiful building; is situated on the verge of the Savanna; is passed every day by the Governor, on his way to and from the town; is seen from day to day by thousands of passers-by; and is largely attended. Mr. Estmond is a man of 60; is breaking down; and is altogether unsuited to so important a school.

Religion of teachers not considered.

47. Where the people and the teacher are of the same religion, a sympathy springs up between them which is mutually advantageous, even although the teacher, in submission to a prohibitory regulation, may have nothing to say to the religious instruction of the children. The teacher, whose religion is identical with that of the people about him, acquires an influence which he can legitimately exert in stimulating parents to see to the education of their children, and which he can very powerfully use in gaining the co-operation of the clergy in the interest of his school. One would think that no axiom could be more con-

vincing than this. Yet I find that the principle was utterly disregarded in the adjustment of the recent changes of teachers. Mr. Purcell, a Wesleyan, was brought from the Protestant district of St. Madeleine to that of Maraval, where the only Protestants are the family of the police constable. Mr. Fitzwilliam, a Roman Catholic, was removed from the Catholic district of Maraval, where, as I mention in my special report on the Maraval school, he had won the commendation of the Catholic priest, to Iere village, one of the head-quarters of the Protestants of the colony. Mr. Daniel, who is a member of the Church of England, was transferred from Iere village to San Juan, a school in which, on the day of my visit, there were 99 pupils on the rolls, and not one of them a Protestant.

Inconvenience of changes.

48. In nine of the ward schools, the teachers pleaded irresponsibility for bad answering and other defects, on the ground of their recent assumption of the charge of the schools, a plea which I could not fail to hearken to, and which I duly weighed when forming my opinion of themselves and their schools. It is not, however, so much the disruption of the schools I deprecate, as the principle upon which it is accomplished. When stating the results of my examination of the scholars, I shall have to re-open this question, and to propose a remedy for the faulty principle upon which, at present, salaries are awarded.

Some of the teachers supplement their school incomes by the discharge of duties not connected with teaching. For instance, the teachers of Carenage, Diego, Martin, Chaguanas, Couva, Indian Walk, St. Madeleine, Oropouche, Guapo, &c., &c., are employed by the Government as district registrars of births and deaths. I do not see any objection to this arrangement.

Organisation.

49. In the primary schools there is little or nothing to be met with to indicate that school organisation has become a science, or that eminent teachers in various parts of the world have written manuals and treatises upon the subject. The art of efficiently handling, with a limited teaching power, a large number of scholars, is unknown to the masters of the Trinidad schools. The origin of this defect goes home, of course, to the training school. Nearly every master has been trained; and, if well trained, he should know something of organisation. Each teacher, however, follows his own bent, hits upon his own plans, which, if intelligently pursued and conscientiously adhered to, would go far to make up for a want of acquaintance with approved systems of organisation. Conceding to the arrangement and the working of those plans the designation "organisation," I can name only seven schools in which, even in this restricted sense, the organisation was good. In ten schools it was tolerably fair, whilst in 18 others it was decidedly bad. It would be simply a tedious enumeration if I were to specify in detail all the defects which I witnessed in the organisation, a mere recital of the want of everything that gives character and tone to a well-worked school in Great Britain or Ireland. There are, however, a few points which I cannot possibly forbear to mention. The first is the almost universal neglect of

Home lessons.

what are called "home lessons," *i.e.*, the children are not enjoined, upon leaving school at the close of the day, to come prepared on the following day with a specific amount of business in the different subjects of instruction. Some of the masters were amazed when I interrogated them upon this matter; some had never heard of such a practice as that which imposes upon children a perusal of their lesson-books at home; others professed a slight observance of the practice, without, however, being able to adduce any evidence that even such slight observance was systematic. Not a single teacher in the colony furnished me with a journal of his proceedings, or with any evidence that the business of his school is a development or sequence of lessons already learned, or of work already performed. The conclusion I have arrived at is, that the teaching from day to day is conducted on a mere haphazard principle. There were "time-tables" in

Time-tables.

most of the schools. I cannot, however, speak as to the observance of those time-tables, there being no local managers to pay the schools occasional visits, and testify to the fact. One of the inconveniences of the present system of exclusively official management is, that there can be no practical supervision of the teachers, as to their attendance, or their dutifulness, or their pursuance of a well-defined routine; because the watchfulness of the Inspector, who is separated from some of the schools by intervening forests and roadless tracts, is in these respects a mere delusion. When he visits the schools, he simply examines them.

them. He has seldom time to sit out the routine of a day. A local manager could do so without incurring any serious tax upon his leisure or convenience. In my report on the Icacos school will be found the record of a charge of irregularity of attendance, preferred against the teacher by a parent of three of the pupils. This was a case requiring the intervention of a local manager, to watch from week to week the procedure of the school.

Monitors.

50. The carrying on of a large primary school without the assistance of monitors might be likened to the handling of a regiment without non-commissioned officers; yet there is no such thing as a paid monitor in any of the ward schools. Lord Harris, evidently, kept before his mind the importance of monitorial training. In the 15th rule for the government of the ward schools, the following is laid down.

"From the pupils attending the school may be selected, on the recommendation of the master, by the Inspector of Schools, with reference to their intellectual acquirements and general good conduct, monitors in proportion to the number of pupils, and the requirements of the school. Such monitors shall be paid, from the funds of the ward, such salaries as shall be fixed by the Board of Education."

The languor that appears to have possessed the Board of Education is in no instance so remarkable as in this. Whilst everybody is complaining of the difficulty of obtaining recruits of a suitable character for the teaching staff, and murmuring over the misfortune of having to take into the teaching profession people who had already become wearied or dissatisfied with other occupations, it certainly is strangest of the strange to find the whole community burying in oblivion the fact that there exists such a seed-plot of the system as that contained in the rule which I have just quoted. Teachers were inert; the public were indifferent; the Board of Education was unmoved; no one saw that the abandonment of the 15th rule was like a withering blast; destructive of the health and fructification of the system.

Bad schoolmastership.

51. I saw little or no attempt on the part of the teachers to supply tablet rails; to improvise "instruction galleries;" to keep up an adequate supply of requisites; to suppress noise; to discountenance prompting and guessing; to find constant employment, during the school-hours, for themselves and their pupils; to improve the occasion by making the recreation a lesson for the cultivation of morals and manners; to evince design in their instruction; to make an effective classification of the pupils; to teach arithmetic intellectually, or writing skilfully, or geography attractively, or any subject judiciously. The old maxim "*repetitio est mater studiorum,*" is all but quite disregarded. In fact, there is little or nothing to repeat. Children a year or two in a particular book, as in the case of some of the pupils at the Indian Walk and other schools, might be found perusing a lesson in the beginning of the book, not because it was a repetition, but simply because in nine cases out of ten the determination of the lesson was a mere haphazard performance of the teacher.

Supply of requisites.

52. The supply of books and requisites in the public schools is rarely adequate. In some cases there was a deficiency of books; in others, of slates; in others, of copy-books; and, pretty generally, of pens and ink also. In the Canaan Village Ward School, for 29 pupils present, there were only four pens; in the Iere Village Ward School, for 49 pupils present, there were only four pens; in the Mission Ward School, for an attendance of 100 pupils, there were only four pens; in the Indian Walk Ward School, which I visited on the 18th of February, there was not a single copy-book for the use of the pupils; not even an old one which had been written upon. In this latter case, the master appeared to be completely unconcerned, even when he frankly admitted, that since the previous November there had been no supply of copy-books in the school. At San Juan Ward school, where I examined sixty-six pupils, there was not a single copy-book. The masters almost invariably affected an air of irresponsibility. They had sent in their requisitions to the wardens; the wardens had not heeded the requisitions; and so the responsibility of the masters was at an end. It appears never to have occurred to them to anticipate the action of the wardens by investing a few shillings of their ample salaries, as to the payment of which I never heard of the occurrence of any irregularity, in the purchase of a small supply of pens, copy-books, or other essential requisites. The teacher of the Indian Walk School, at the time an unmarried man, and in the enjoyment of 80 *l.*

a year, might well, indeed, have spared a few shillings to provide a small stock of writing paper for his pupils. Rather than do this, he, from day to day, and for months in succession, left his pupils without the common necessary of a copy-book. Indifference could hardly go further.. An arrangement recently adopted by the Board of Education may possibly stimulate the teachers to keep their schools adequately supplied with books and other requisites. The Board has appointed Messrs. Tench and Co., of Port of Spain, agents for the importation and sale of books authorised to be used in the Government schools. The masters can obtain supplies from the agents at 15 per cent. above the invoice price, and are at liberty to sell them to the pupils at an additional 10 per cent. upon the invoice price. This additional 10 per cent. will be a profit to the masters. A plan somewhat similar to this is in operation in Ireland. The books which, for the present, the agents are authorised to supply on these terms are, the new editions of the Irish National School Reading Books; Currie's Rudimentary Grammar; and, for the use of the model schools, Nos. 5 and 6 of Chambers's Narrative Series of Reading-books.

Unsuitability of school books.

53. The books which I found in use were chiefly the publications of the Irish National Board. For elegance of style; for correctness of information; for acquaintance with the best prose and poetical compositions of the English language; for a general course of useful and interesting knowledge; for the high, manly, and moral tone of the selections; and for the didactic skill exhibited in the arrangement of the lessons, no set of primary school-books ever previously published in the English language could surpass, or even equal them. But notwithstanding their recognised excellence and reputation, I should desire to see them superseded by a set of books whose lessons would be racy of the colony; descriptive of its history, of its resources, of its trade, of its natural phenomena, of its trees, plants, flowers, fruits, birds, fishes, &c. The pitch lake and the mud volcanoes, for instance, would supply materials for an attractive series of lessons. So would the growth, manufacture, value, and uses of sugar. And so, again, would the cacao, the bois immortelle, the cocoa-nut, the coffee plant, the cotton plant, the cannon-ball tree, the mora, the pine-apple, the mango, the star-apple, the sapadilla, the orange, the shaddock, the cashew, the guava, the plantain, the different varieties of palms, &c.; objects all familiar to the Creole. Interspersed amongst a number of such chapters there might be selections from the prose and poetical extracts in the Irish National school-books; local matter forming, say, one-half, and general literature the other half, of each volume of the new series. The books would then possess the same general characteristics as the revised editions of the Irish series. As the Irish element preponderates in the Irish books, so the Trinidad element ought to preponderate in the Trinidad books, which would then be as popular with the Trinidadians as the Irish books are with the people of Ireland. Lord Harris evidently contemplated such a series of books, for in his original instructions to the Board of Education he said: "Still it is my opinion that on some subjects books might be written especially adapted to the children of this island." No attempt, I regret to say, has hitherto been made to carry out Lord Harris's views. So far as I have been able to ascertain, the only publication of a local character that has emanated from the Board, or from any of its staff, is a little volume descriptive of the geography of the island, by Mr. Fortuné, master of the Eastern Market Borough School.

School accounts.

54. Where public money is expended, the public have an indefeasible right to an efficient check and audit of the accounts. In school affairs there are various tests for establishing the regularity and propriety of a disbursement. The most elementary test has reference to the school accounts, especially to a correct record of attendance. Accordingly, the public economist, to a certain extent, regards the school accounts as a check upon expenditure. But the educationist has other problems to solve. He looks to those accounts for the necessary data in many important solutions. The ages at which children enter and leave the school; the time occupied by them in advancing from class to class; the quality of the school attendance; the avocations of the parents; and other conditions of an analogous character; these are the materials which he hopes to find in well-kept school registers and reports. I accordingly felt it my duty to look minutely into the school accounts. I was much disappointed to find that in many cases they were kept very unsatisfactorily, when not altogether neglected:—

(*a.*) The

(*a.*) The teacher of the Maraval school, for instance, was so negligent in this respect that a return which, on the 10th of February, I requested him to make out respecting the attendance—a return that could easily have been prepared in a day or two—had not been completed when I visited his school on the 23rd of March.

(*b.*) The registers of the St. Madeleine, Canaan Village, and Cedros schools were very imperfectly kept, the pupils' ages and religions being unrecorded in many cases.

(*c.*) In the Savanetta school the register had been kept, since April 1867, on a loose leaf of paper, liable at any moment to be mislaid or lost; and in the Oropouche school the register was kept in a temporary book, bat very imperfectly.

(*d.*) In the latter school the roll was not forthcoming, the master having lent a friend the box in which it was deposited; a circumstance which seriously embarrassed me in the checking of the attendance returns.

(*e.*) In the Mission School, Savanna Grande, no roll of the pupils had been kept from the 1st of January to the 16th of February; at Caura no entry of the attendance had been made in a report book from December to March; and at St. Joseph's no entry of attendance had been recorded from December to February.

The schools in which I discovered these irregularities form about 28 per cent. of all the Government schools; but there were eight other schools with the reliability of the accounts in which I was not altogether satisfied. Doubt or discredit thus attaches to a full moiety of the State schools of the colony.

As an illustration of the difficulty of obtaining accurate statistical information, owing to the looseness with which the teachers keep their registers and roll-books, I may mention that Mr. Darling, who, as Commissioner of Inquiry, visited 18 schools last year, differs in the statistics in no fewer than 10 schools from Mr. Farfan, who, as Commissioner, also visited the same schools. The discrepancies between these gentlemen's returns are trifling, but they show either that the teachers were careless in furnishing the information, or that the books from which the returns had been extracted were kept in an unsatisfactory and unintelligible manner. The following are the discrepancies. The numbers on the rolls at the close of 1867 were:—

	According to Mr. Farfan.		*According to Mr. Darling.*	
	Protestants.	Catholics.	Protestants.	Catholics.
Tacarigua - - - -	51	25	52	27
St. Madeleine - - - -	50	35	52	35
Victoria Village - - -	86	9	85	9
Canaan Village - - -	15	36	18	33
Oropouche - - - -	8	54	12	50
Cedros - - - - -	16	49	14	51
Point-à-Pierre - - - -	12	24	14	22
Savanetta - - - -	23	15	25	15
Chaguanas - - - -	28	27	25	30
St. Ann's (Laventille) - -	0	19	No record kept of the religious denominations.	

Grave apprehension may, therefore, be entertained about the value of the statistics extractive from the school records. In 12 of the 30 ward schools the average attendance last year was under 30, a circumstance which presents a strong temptation to the masters to tamper with the accounts. At least one, to my own knowledge, was suspected, by the inspector and the Board, of unfaithfulness on this score.

Here, again, the want of local management is sorely felt. There is no person on the spot to visit the school occasionally, and check the attendance with the entry in the books, no one to certify as to the accuracy of the statistical returns furnished periodically by the teacher to the inspector of schools. In fact, it would be impossible to exaggerate the evils that crop up at every point of inquiry, all consequent upon the want of efficient local management.

The masters, as a rule, do not enter the attendance until after the dismissal of the pupils in the evening. This is a remarkable oversight in the administration of the system. It shuts out the simplest form of check, namely, a comparison of the number actually present with the number recorded in the report

book as present. I felt this drawback in many cases. For instance, in he Caura school the master submitted the names of 50 pupils on the roll; I found only 16 present. Three days previously to my visit the inspector had been in the school, and found only 11 present. From December to March, as I have already mentioned, the master had made no entry of the attendance in his report book. The means of checking the accounts, therefore, however suspicious-looking the case may have been, were not at my command.

Nominal return, showing attendance, &c.

55. My first anxiety was to obtain an accurate idea of the quality of the pupils' attendance at the several schools supported by the Government. The average attendance for 1868, I was informed, was 1,672. But where the extremes which enter into the calculation differ considerably, averages are an unmistakable source of delusion. The average 1,672 indicates nothing as to the quality of the attendance, because some of the pupils considered in the calculation may have made only a few attendances in the year, whilst others may have made 150 or more. Nor does the number 1,672, as representing the average attendance, establish, or even suggest, the total number of pupils concerned in the production of such an average. I could not ascertain from any available statistical document the number of children who had made, say, 180 attendances in the year, or 150, or 100, or, indeed, any number of attendances in particular. I know that, if obtainable, such a return could alone afford a sterling and reliable exposition of the quality of the attendance. I accordingly issued instructions to the teachers to furnish me with the name of every child who had attended school during the year 1868, with the number of attendances made by each. I requested the teachers to have this return ready on the occasion of my visit to their respective schools, in order that I might have an opportunity of testing its correctness. I took great pains to secure scrupulous accuracy, and I believe that the statistics I received are substantially correct. The names of 3,692 pupils were furnished to me as composing the attendance at the ward schools, the borough schools, and the model schools, during the year 1868. I append to this report a tabular abstract of these returns for each of the schools. The following is a general abstract for all the schools :—

GENERAL ABSTRACT.

NUMBER OF ATTENDANCES.	Actual Number of Pupils who had made the different Degrees of Attendance.	Per-centage of Pupils who had made the different Degrees of Attendance.
180 days or more - - - - -	4	0·1
160 „ - - - - -	70	1.88
140 „ - - - - -	245	6·62
120 „ - - - - -	569	15·39
100 „ - - - - -	979	26·49
90 „ - - - - -	1,196	32·36
80 „ - - - - -	1,399	37·85
70 „ - - - - -	1,617	43·75
60 „ - - - - -	1,861	50·35
50 „ - - - - -	2,108	57·04
40 „ - - - - -	2,389	64·65
30 „ - - - - -	2,711	73·37
20 „ - - - - -	3,110	84·17
Less than 20 days - - - - -	582	15·76

It would be scarcely possible to contemplate a more disheartening return of attendance than the preceding. It speaks for itself. Barely more than a fourth of the pupils attend for not less than 100 days in the year; and only a shade more than one-half attend for not less than 50 days in the year. The usual excuses for non-attendance and irregularity are pleaded, such as the greedy disposition of parents, especially of the agricultural class, to realise gain from the labour of their children; the exactions of the planting and harvesting seasons; the distance of the schools from the residences of some of the pupils, &c.

Number of school-days in the year.

It is to be borne in mind that the Ward schools are open on only four days of the week for 45½ weeks, or on 182 days annually, say half the number of days in the year; and that the model schools are open on four days of the week for only

only 42 weeks, or on 168 days annually. A shorter season of labour has rarely been imposed upon primary teachers; a lighter measure of schooling has seldom been allotted to pupils. The school hours are nominally from nine to twelve, and from one to four o'clock; but the children rarely assemble for an hour after the appointed time. I found school-rooms quite empty at nine o'clock in the morning, and the masters appeared amazed that the circumstance should be noticed. The want of punctuality in the attendance, and indeed all other defects, the teachers dispose of like fatalists. "These are the facts; they can't be helped." They speak of difficulties as they would of nightmares, as if there were no resisting them. Whilst making every allowance for their *quasi*-fatalism, their consequent inertness, and the usual disturbing elements which affect attendance, I am firmly convinced that one or all of these causes would avail but little if there existed any recognised local influence to operate upon the teachers in inspiring them with a genuine sense of their duty, and upon the parents and children in stimulating them to entertain an earnest desire for education. In this, as in many other phases of the working of a public school system, it is simply irrational to hope for the slightest success without the co-operation of local managers.

Ages of pupils.

56. The ages of the pupils range from mere infancy to 16, 17, and even 18 years. In some schools the attendance is confined to very young pupils. In other schools the average age is remarkably high. The variety is curious. It would be easy, if it were necessary, to account for it. In Arouca school the average age is only $7\frac{1}{2}$ years; in the Borough (Eastern Market), Maraval, Chaguanas, and Icacos schools the average age is only 8 years; in St. Joseph (Naparima) school the average age is only $8\frac{1}{4}$ years; in the girls' model school the average is only $8\frac{3}{4}$ years. The average age is 9 years in 5 other schools, 10 years in 8 schools, $10\frac{2}{3}$ years in one school, and 11 years in 7 schools. In Savanetta school the average age is 12 years; in the Borough (Town Hall) school, $13\frac{1}{2}$ years; and in St. Madeleine, 14 years. The objectionable feature which, in connection with the ages of the pupils, presented itself most frequently to my attention was the mixture, in the same school and under the instruction of a master, of girls fully grown and boys on the verge of manhood. Those fully-grown girls were rarely in the upper classes. They were almost invariably in the lower sections of the schools. Their minds, habits, and characters being therefore quite unformed, their case, in a moral point of view, was all the more serious and dangerous.

School fees.

The principle of the Ward schools, as I have already mentioned, is that education shall be gratuitous. Lord Harris deliberately determined that it should be so. He said:—

> "There are only two objections to this plan which I am aware of; one is, that it is inexpedient to give education, as it were, for nothing, and that it is better to require some payment. I have never seen the force of this argument. We know that children are, generally, not particularly desirous of going to school, and that the parents are frequently not as anxious as they ought to be to send them. How paying any money will induce a more favourable disposition in either the one or the other, I am at a loss to conceive."

But in the model school, which purported to have been established on such principles, organised on such plans, regulated by such a course of discipline, and conducted on such a method of instruction, as to be a model or pattern for teachers to copy or imitate, a different arrangement was adopted, and the pupils were required to pay school-fees. At the San Fernando Borough School, also, fees are charged. This question of school-fees is one of controversy. Respectable authorities favour each of the conflicting views. I myself am strongly in favour of charging a moderate fee. The discussion of the question would be tedious, and perhaps out of place here. But I may briefly observe, from my knowledge of thousands of Irish schools, that a map showing, by the depth of tint, the relative efficiency—from "superior" to "worthless"—of the schools of Ireland would be found almost identical with another map showing, by a similar tinting, the relative amounts—from "much" to "nothing"—paid in fees by the pupils.

Number of pupils examined in Government schools.

57. I have already mentioned that, in the whole of the year 1868, the number of individuals who had made an appearance, as pupils, at the Model, Borough, and Ward schools was 3,692; whilst the average attendance was only 1,672. The aggregate number of pupils I found in actual attendance was 1,780; whilst the aggregate number on the rolls, on the occasions of my visits, was 2,930. There were, accordingly, 762 fewer on the rolls at the particular times of my

visits than there had been distinct pupils in the schools in the year 1868. But I found in attendance, and examined, 108 more than the number that constituted the average attendance of last year. Of the 1,780 pupils whom I examined, 1,129 were boys, and 651 were girls.

Classification of pupils.

'58. The classification of the pupils in respect to proficiency usually comprised five degrees or standards, represented by the five reading books of the Irish National Board. Between the second and third classes there was, in some cases, an intermediate one, called the sequel, also named after one of the Irish school books, formerly in circulation. In the summaries of the classification I have included "sequel" in the third class.

42 per cent. of the pupils were in			First Book.
25·9	„	„	Second Book.
13·9	„	„	Third Book.
8·7	„	„	Fourth Book.
9·5	„	„	Fifth Book.

The foregoing classification is that which I actually found in operation in the schools. No representation, however, could be more fallacious. Very few of those returned to me as in "third class" were fit for it; still fewer of the fourth class were qualified for so high a standard; whilst, except in the case of a few of the pupils in the model schools, none of those returned for the fifth class were in any respect equal to its requirements.

Examination of pupils.

59. I took the greatest possible pains to examine every child in every subject in which it was said to be receiving instruction. Wherever practicable, I conducted the examination in writing, and took the answers home for revision.

System of marks.

I determined the value of the answering by a system of marks, entirely satisfactory, answering in any subject being represented by the number 10. For the different degrees of satisfactoriness or otherwise I graduated the marks downwards from 10 to 0. Of course, when determining the mark, I took the age and class of the child into account. A grown boy in the head class, for instance, might in reading obtain, say, only 5; whereas, if the same fluency and expression were displayed by a younger boy in a junior class, the mark might be 9 or 10. The mark, in short, was always a representation of the individual child's answering relatively to the proficiency which might reasonably be expected.

The children, generally speaking, had not been accustomed to examination—at all events, to so minute and searching an examination as I subjected them to. Shyness or hesitation was not often evinced; but whenever it was, I took it into account, and allowed for it in determining the mark.

Reading.

60. The average mark obtained in reading was only 3·6. Satisfactory reading, as I have already stated, being represented by 10, 3·6 shows that the reading was decidedly bad. It was best at the girls' model school, where the mark was 5·8; and worst at Savanetta and Guapo, where, in each case, it was only two. There is no compensating element in the style of the reading. The articulation of the words is indistinct; there is no attempt at expression; there is no appreciation of the meaning of what is read; and there is little or no readiness evinced in the pronunciation at sight of even tolerably common words. The worst specimen of bad teaching I ever witnessed was a reading lesson in a ward school.

Polyglot character of people.

The polyglot character of the people is at present nearly as remarkable as when Lord Harris founded the education system. The sermons in the Roman Catholic Cathedral of Port of Spain are nearly always delivered in French, and most of the sermons in the other Catholic churches throughout the island are preached in either French or Spanish. The Catholic children almost universally learn their prayers and their catechism in French or Spanish. There are 19 sworn interpreters of French, nine of Spanish, one of German, and one of Hindoostanee, all offically recognised by the Government, for the purposes of law and commerce. The coolie element in the population has increased to nearly 20,000. In point of fact, the place is quite a Babel. The operation of the ward schools has, no doubt, extended the use of English to districts where English had been previously unknown. But this diffusion of the English language has been accomplished by the most irrational process that could possibly be conceived. French and Spanish-speaking children have been set to learn English alphabets, English spelling, and English reading, without the slightest reference whatever, in the

Irrational system of diffusing English.

the explanation of a word or the translation of a phrase, to the only language, French or Spanish, which they could speak or understand. The master of the St. Ann's (Laventille) school, a respectable man of 60 years of age, and who for upwards of 15 years had been connected with ward schools, told me that he believed it was contrary to rule to translate an English word or phrase, which might be a difficulty to a child, into French, although French may be the child's language. He told me very emphatically, and with a manifest air of satisfaction, that he had never ventured upon doing anything of the kind. Indeed, this extraordinary principle, or something akin to it, must have been before the minds of the authorities when they transferred Mr. Purcell to the district of Maraval, where English is not the language of the people; although he was notoriously unacquainted with both Spanish and French. In some of the schools the reading is a mere mechanical repetition of words, suggestive of no meaning, no idea, no sense of intelligence or pleasure. After years of schooling, the mind of a child under such circumstances, is still a *tabula rasa*. If there were local managers, this brain-sick system of instruction could not survive long. No intelligent person could pay an occasional visit to a school, and without an effort towards its correction, witness a routine which produces only torpidity of intellect and vexation. The desire of every lover of the Colony must be to see that all the inhabitants speak English. But a language cannot be infused into the human mind by the power of a battering-ram. Rational measures must be employed. And my firm conviction is, that if the French and Spanish-speaking children were first taught to read their vernacular language, and then taught English through its medium, they would acquire a facile use of English with incalculable rapidity. This is no new theory. Very eminent authorities have laid it down as the best means of introducing English into Wales, the Highlands of Scotland, and the remote parts of Ireland. At all events, the least to be attempted should be to require every teacher to know the language spoken by his pupils, and (by way of illustration and exemplification) resort to it as often as might be necessary. The padlock at present on the lips of the children of the French and Spanish-speaking districts would thus be opened, and the little creatures would no longer stand like victims to bewilderment in the presence of an examiner.

Spelling and dictation.

61. I tested the spelling of the pupils in two ways: first, by an exercise in dictation; and, secondly, by an oral examination. In some cases, I was obliged to content myself with a resort to one way only. Those who read but little, can spell but little. The frequenters of the Government schools are but sparingly practised in reading. The average mark obtained in spelling, is a reflection of that obtained in reading. For reading it was 3·6; for spelling, it was only 3·3. I generally asked the pupils to spell some of the common words of the lessons, or the names of the days of the week; or to write out such a sentence as "The sugar-cane frequently grows to a height of seven feet." If they spelled all the words correctly, the mark would be 10. As it was only 3·3, the low quality of the spelling may be readily understood. When determining the mark for dictation, I took into account the neatness of the writing, the use of capital letters, the punctuation, &c., as well as the mere spelling. The average mark was only 2·5. Worse attempts at writing from dictation I have never experienced. For spelling, the best school is the Eastern Market Borough School, the mark being 6·4; and the worst school is Oropouche, the mark being only 0·8. For Caura, the mark is very little better, only one. The Girls' Model and the Eastern Market Borough School are the highest in writing from dictation, the mark in each instance being 5·4. At Maraval, Maraccas, Caura, and Guapo, there were no pupils able to write from dictation. At Indian Walk, some pupils tried an exercise upon slates, but utterly failed. The masters almost universally neglect to teach writing from dictation. To vast numbers of the pupils whom I examined, the exercise was a complete novelty. To most of the teachers it was a surprise.

Writing.

62. Writing, a branch which taxes the intellect so sparingly, and which requires from a teacher only a patient superintendence, ought, one would expect, to be efficiently taught in the Government schools; but it is not. There is no superintendence, patient or otherwise, exercised by the teachers over their pupils at the writing time. As a general rule, the pupils are simply left to themselves to write well or ill, as chance may determine. It would be incorrect to speak of the occurrence of a writing lesson; for such a lesson is hardly

ever given. Writing, in short, is simply a practice of the pupils. The teachers take no part in it, except to assist in the distribution and collection of the copies. The cases were altogether exceptional and exceedingly limited, in which I saw any evidence in the copy books that faults in the formation of letters, or in the spelling of words had been corrected. I have already referred to those cases in which, for want of copy-books or pens, writing on the part of the pupils was either suspended or only partially practised. The average mark obtained for writing was only 3·6. The best writing was that of the pupils in the girls' model school; their mark was 5·2. At Guapo, the mark obtained was only one. At Maraccas, there were no pupils able to write upon paper; at Indian Walk, there was no paper for the pupils to write upon.

Arithmetic.

63. The average mark obtained in arithmetic was only 1·6. This is the most extraordinary and disappointing result of all. In school after school, I found the answering in this important subject uniformly bad. My examination was of a most elementary character. It consisted generally of an easy exercise in notation, in each of the simple rules and in proportion. I caused the exercises to be done on sheets of paper, which I took away with me for revision. In the 30 ward schools, I did not find half-a-dozen children capable of working such a simple sum as the following: "A quarrée contains 3⅓ English acres; what is the rent of five quarrées at 1 *l.* 6 *s.* 6 *d.* the English acre?" Anything so awkward, so destitute of intellectual resource, and so wanting in the power of dealing with numbers, as characterised the performances of the pupils who tried to do this little sum, I never witnessed. At first, I was perplexed whether to attribute the defects to the instruction of the teachers or to the quality of the pupils' intellects; but I soon found that the masters pursued a system of purely mechanical teaching which could not possibly yield satisfactory results, and that the pupils were afflicted with a positive inaptitude for arithmetical reasoning. It is not improbable that this inaptitude is only a consequence of rustiness of intellect, produced by neglect and unskilful instruction. Curiously enough, the best answering in arithmetic was made by the pupils in the girls' model school. The number of pupils who performed the sum in proportion, was greater in this school than in all the other schools of the island taken collectively. The mark obtained was 5·4. Absolutely, this mark indicates a result only a shade better than "middling," but, relatively, it places the girls' model school, in respect to arithmetical proficiency, in a very high position. In five schools, the pupils exhibited no knowledge whatever of arithmetic. These schools are, Maraval, Maraccas, Couva, Indian Walk, and Guapo. Next to these, the worst school was that at Arima, whose pupils obtained only 0·3. The mark was 0·6 in Santa Cruz; 0·7 in the borough (town hall), Victoria village, and Orapouche; and 0·8 in Chaguanas. From this low proficiency in a subject which is universally regarded as an essential branch of education, and which is the most practical, the most useful, the most disciplinal, and the most popular of all the elementary school lessons, I came to the conclusion that the operation of the ward schools was certainly not promoting the learning, or stimulating the intelligence of the people of Trinidad.

Grammar.

64. On arriving in Trinidad, I was told by many influential persons that the masters of the ward schools were immensely bent upon the cultivation of grammar, geography, chronology, and other showy subjects, to the neglect of reading, writing, and arithmetic; of course, I resolved to test this. Accordingly in all the schools, I examined in grammar and geography, unless the master declared that instruction in these branches was not imparted. I found, however, that (except in one case, when political economy was said to be taught) the school curriculum did not comprehend chronology, geology, or any other high-sounding subject. In the exceptional case just referred to (that of San Juan), I found the pupils' ignorance of political economy so great, that even the simple constituents of an article of value were utterly unknown. In 21 of the 35 Government schools, the children were found, upon examination, to be totally unacquainted with grammar, and in the remaining 14 schools, the average mark obtained in this subject was only 1·3. This mark represents only a smattering knowledge of definitions, a knowledge imparted perfunctorily, and without the slightest application to the construction or analysis of sentences. I have merely to add, that very little time appears to have been spent upon grammar.

In

In 11 of the Government schools the proficiency in geography was *nil*. In the remaining 24 schools the proficiency is represented by 1·7. In the hands of an intelligent teacher, no subject can be made more attractive than geography; but in the Trinidad schools it is so treated as to be practically repulsive. In most countries, when a class is assembled before a map, an observer cannot fail to perceive the children's faces animated by emulation, cheerfulness, attention, and even playfulness. In Trinidad, on the contrary, map-teaching inspires gloom, and mystery, and uncomfortableness. The best answering was made at the Borough (Eastern Market) school, the master of which possesses the good sense to make the geography of Trinidad a subject of investigation to himself, and of instruction to his pupils. In only one other school did I find the pupils in the slightest degree acquainted with the general outlines of the geography of the island. Geography.

65. In the Government schools, only 651 of the 1,786 pupils whom I examined were girls Various causes combine to produce this great inequality. To one of these I now have occasion to refer, the entire absence of industrial instruction. In the ward schools, there is only one solitary case in which the girls are exercised in the use of the needle. The exceptional case is that of Diego Martin, where the wife of the schoolmaster was in the habit of giving a little needlework to a few of the girls. In the girls' model school only may it be said that, practically, any attempt is made at systematic instruction in needlework. Operating upon a singularly constituted community, whose wants are the result of an imperfect civilisation, and whose defects are the incidents of a predominant indolence, the system of education in Trinidad ought to be, in a conspicuous degree, one of an industrial character. In his message of February 1847, Lord Harris said "that it was intended that all the schools should combine industrial with intellectual instruction." Subsequently, in his address to the newly-constituted Board of Education, his Lordship said :— Industrial instruction.

"I would strongly recommend that every means should be employed to afford information on those subjects which are generally useful to the labouring classes; by an ignorance of which they are very frequently deprived of taking advantage of circumstances which offer for improving their condition in life. Those subjects are connected with habits of industry, and with industrial employment."

But the ward schools were organised on a principle which excluded females from any participation in the instruction of the children. The Board of Education seems to have overlooked this, as well as many other parts of the scheme which they were appointed to administer. There were no local authorities, no local influences to move the Board. No one appears to have ever reminded it of Lord Harris's code of instructions. People were amazed, and almost incredulous, when, at the close of my investigations, I mentioned how it was originally intended that an industrial education was to form an essential part of the instruction in the schools; and how, notwithstanding this wise provision, the girls had never been taught even to cut out or stitch their own garments. I am convinced that, in the wide world, there could not be found a system of public education in which industrial instruction has been so entirely neglected. For the instruction of the girls, schoolmistresses should be appointed who are competent to teach needlework and other industrial pursuits.

Attached to every boys' school, it would be easy to have a little workshop and a garden. In the workshop the boys could be taught how to handle tools, and do sundry jobs in the way of repairs, &c.; and in the garden they could be taught how to cultivate vegetables, &c. But, above all, they should be taught, from their earliest days, to take kindly to labour, to persevere in it, to be proud of it. Once for all, it must be laid down that education, in its thoroughly-practical sense, is to take the place of mere book instruction. To use the words of one well acquainted with the Colony, the population must obtain "some notion of the value of time and money; some faint ideas of comfort and decency; some glimmering perception that work is not dishonourable, and that truth and morality are not badges of degradation."

But without local management nothing of this kind can be effectively done. For reform in every branch of education, I have to turn to this agency.

66. In connection with the subject of industrial training, I am reminded that his Excellency, Governor Gordon, drew my attention to the subject of reformatory education. Laziness is the chronic disorder of the lower classes in Trinidad. Reformatory and industrial schools.

To nip such a disorder in the bud, to intercept vagabond and pilfering youths in their descent to crime and wretchedness, and to reform those who have already fallen into criminal ways, are objects which now claim the solicitude of philanthropists and statesmen all over the world. The correction of criminal children by other means than mere imprisonment is the object of the English Reformatory Act of 1854, and of the Industrial Schools Act, passed a few years later. The criminal youth are placed in a reformatory; the vagrant youth and the orphans, in an industrial school. In their application to Trinidad, these Acts would probably require modification. At Monaghan, in Ireland, there are, in the same establishment, both a reformatory and an industrial school. The two classes of inmates, however, never mix. This plan might answer best for Trinidad. In the reformation of criminal youth, religion must be made to play the leading part. The reformatory school must be a home. There must be identity of religious belief in it. The general principle of the system which I am about to propose, that the public schools shall be open to all comers, irrespectively of the consideration of creed, does not, therefore, apply to the reformatory schools. The organisation of such schools must be carried out exceptionally. There might be two schools in the Colony, one for Catholics, the other for Protestants, and each comprehending both the reformatory and the industrial element. The experiment might at first be tried with schools for boys only; and institutions for girls could afterwards be established.

Night schools.

67. With a view of encouraging the industrial classes to pursue their education after engaging in trades or other occupations, and to associate hard work with mental cultivation, I would suggest the opening of night schools, at which reading, writing, and arithmetic should be taught. I would make it a condition that no one should be admitted to a night school who, during the day, had not been actually engaged in manual labour or some other employment. The night-school experiment might, perhaps, be deferred for a year or two, pending the re-organisation of an efficient staff of teachers for the public schools generally.

Female teachers.

68. I must crave your Lordship's indulgence to revert for a moment to that very remarkable peculiarity of the Government system of education, the non-attendance of girls at the schools. It is a most serious affair. If I were forced to make a choice, I certainly, in the public interest, should prefer that the non-educated class were the males rather than the females. Out of every 100 pupils in the Government schools only 37 are girls. In the non-endowed schools under Catholic management I found 217 boys and 214 girls. In the non-endowed schools under Protestant management, I found 271 boys and 265 girls. In the Government schools the pupils are admitted free; in the non-endowed schools they usually pay a small fee. Yet the non-endowed schools are better attended by girls than the Government schools. In the latter there are no female teachers, except in the Girl's Model School and the San Fernando Borough School, but nine of the 13 non-endowed Roman Catholic schools, and 11 of the 22 non-endowed Protestant schools, are under female teachers. Parents, of course, prefer to send their daughters to schools conducted by females, and in which needlework is tanght.

Alleged immorality of masters.

To some of the masters, exception is taken on grounds of alleged immorality, and girls are kept away from the schools of such masters. In one case the Catholic priest issued a positive interdict against the attendance of girls.

Local management necessary.

But without local managers, there can be no regular organisation of female teachers. In remote or lonely parts of the island, the countenance and support of some person of local authority, a clergyman, or a layman of influence, are absolutely indispensable to the independence and respectability of a female teacher. Hence the ward-school system, which repudiates local management, cannot command the services of schoolmistresses.

Singing.

69. In a few schools vocal music is practised. In the Girls' Model School, at Port of Spain, the singing is very fair. In every other school it is a miserable performance. The theory of music is not taught; nor is there any recognised system for the teaching of singing.

Drawing

70. Drawing is altogether neglected, even as an elementary means of teaching writing.

Other extra branches.

71. There are no extra branches (such as geometry, mensuration, algebra, or even book-keeping) taught in the ward schools.

72. In

72. In the Appendix, as I have already said, I give a separate account of each of the ward schools. The current of this report would be interfered with were I to insert these accounts here; but I beg your Lordship's attention to them a elucidating the working of the schools, and as affording the data upon which my general conclusions are based. Reports on ward schools.

73. I now proceed to describe, as briefly as possible, the model schools in Port of Spain. I begin with the

Woodbrook Model School for Boys, Port of Spain.

1. House rented at 100 *l.* a year, consists of three principal rooms, quite unsuitable to its purposes as a model; through the grounds there is an open thoroughfare leading from the high road to an adjoining sugar estate; position very objectionable; out-offices in a shocking state when I first visited; much improved and quite clean on the occasion of my second visit. Woodbrook Model School for Boys, Port of Spain.

2. Furniture ample, but badly arranged.

3. Superintendent, Louis Bernard Tronchin; age, 39; Roman Catholic; married; trained; salary, 250 *l.* a year, and an allowance of 50 *l.* a year for house rent; he has seven assistants, who, however, are regarded as students in training. For their names, salaries, &c., *see* Report on Normal School.

Mr. Tronchin is a respectable, intelligent, and, I am convinced, industrious teacher. In matters connected with school accounts or statistics, I have never met with a readier or more intelligent person. He is candid and unaffected; and, in the ranks of the primary teachers of the Colony, he legitimately occupies a foremost position But I have to add that this is only a relative estimate. Were I to compare him with model schoolmasters at home, I could not assign him an equally exalted place.

The seven assistants are a very heterogeneous staff. Some of them are positively unfit for their duties. None of them are even moderately well qualified.

4. No recognised system of organisation is pursued; home lessons are not prescribed for second, or sequel, or third class, or even for the whole of the fourth class.

5. In the year 1868, there were on the rolls 150 pupils, of whom 41 had each given not less than 100 attendances; 51 had each given from 50 to 100 attendances; and 58 had each given under 50 attendances. The average attendance was 100.

6. The school accounts are regularly kept.

7. Average age of pupils, 11 years.

8. When I examined the school there were 136 on the rolls. On the first day of my examination the children were specially called together to meet me. I had appointed the day in ignorance of the fact that the Easter holidays commence earlier in the model school than in the ward schools. There were 85 present, an attendance less by 15 than the attendance on the last day on which school was held before the holidays. Had I examined on that previous day, I should have met with five more pupils in the fifth class, three more in the fourth, four more in the third, two more in the second, and one more in the first. As it was, my examination had reference to—

Twelve in the first (lowest) class; 20 in the second class; 17 in the sequel class; 11 in the third class; 11 in the fourth class; and 14 in the fifth class. Total, 85.

I had therefore a sufficiently large number in each class to enable me to gauge, fully and accurately, the results of the instruction. Satisfactory answering being represented by the number 10, the results were: reading, 4·8; spelling, 2·8; dictation, 1·8; writing, 4; arithmetic, 1·2 (there were only two pupils who accurately worked the following sum in simple proportion: "What will 7 tons 3 cwt. 1 qr. and 19 lbs. cost, if 3 qrs. and 21 lbs. cost 18 *s.* and 4 *d.*?"); grammar, 1·2; geography, 0·8. I need hardly observe that this statement exhibits a very unsatisfactory degree of proficiency. One of the books in use in the fifth class is Crossly's "Comprehensive Class Book." The inspector informed me that the discontinuance of the use of this book had been recommended by him to the Board of Education about four months previously. No action, however, had been taken on his representations.

9. Of the 85 present, 49 were Roman Catholics, 33 were members of the Church of England, and three were members of other religious denominations. The master informed me that on Wednesdays the children attend their respective clergy for religious instruction.

According to one of the printed rules of the school, the superintendent is required to supply to each pupil a "form" which is to be signed quarterly by the pastor of the pupil, certifying as to his attendance at religious instruction. In this it is laid down that if the pupil fails to attend, or is irregular in his attendance at, the religious instruction, the superintendent is to report the fact to the inspector, who, in turn, is to bring it under the notice of the Governor. This rule was intended to be the means of securing religious instruction for the pupils. Not only, however, is the rule not acted upon, but Mr. Tronchin,

the superintendent, has never even seen a copy of the "form." I had, therefore, no evidence of the regularity or extent of the attendance of pupils at religious instruction.

10. Discipline very unsatisfactory. Light corporal punishment is resorted to.

11. Previously to a boy's admission to the school, a certificate is said to be required, signed by some member of the Medical Board, and showing that the boy has been vaccinated, and is free from cutaneous disease. The rule, however, is only partially observed.

12. A register is kept of the pupils' qualifications upon entrance, ostensibly with a view of affording the means of estimating each boy's subsequent progress, but no practical use, so far as I was able to ascertain, has been made of this document.

13. Every pupil who is not himself a ward ratepayer, or the child of a ward ratepayer, is required to pay a monthly fee of half-a-dollar (2 *s.* 1 *d.*), but this rule is evaded in the most ingeneous manner. The parent buys a piece of ground for a few shillings, pays a ward rate of 3 *d.* or 4 *d.* a year, and thus, on the score of being a ratepayer, claims and obtains exemption from payment of school fees. To what extent trickery of this sort is resorted to I had not the means of accurately ascertaining; but I believe that scarcely more than a sixth of the average number in attendance pay the fees. The fees go to the Government, the teachers receiving no proportion of them, or having any pecuniary interest in their increase, or diminution, an arrangement which I hold to be a mistake.

14. The school is open on only four days of the week (Monday, Tuesday, Thursday. and Friday) from nine to 12, and from one to four o'clock each day; and the vacations extend to 10 weeks in the year, so that the number of school days is only about 168, or less than half the number of days in the year.

15. It was originally provided that monitorships or pupil-teacherships should be a characteristic of the school. The monitorships were to have been the reward of good conduct, distinguished proficiency, and communicative ability. No more salutary or appropriate provision could have been devised; but nothing of the kind is attempted. "Model" and "normal," though the establishment is in name, it is yet destitute of the elementary feature of having a paid monitor.

16. In short, this school is far from being a model as to organisation, or method, or discipline, or order, or intellectual activity, or results.

17. The amount expended on the school in 1868 was 2,872 dollars 30 cents., or an average of 70 dollars 5 cents. for each pupil who had given not less than 100 attendances.

Girl's Model School, Port of Spain.

Girls' Model School, Port of Spain.

1. House rented at 135 *l.* a year; there are two large schoolrooms, each having a gallery; there is a playground in the rear; generally speaking, the premises are suitable, but the accommodation is inadequate to the attendance; there was such a throng on the day of my visit that the atmosphere was quite overpowering.

2. The furniture was ample.

3. The superintendent is Mrs. Susan Alcock; Church of England; trained in Westminster (London) Training School; age 40; salary 250 *l.* a year, and free residence; industrious, anxious, skilful; a really superior teacher.

The principal assistant is Mr. Samuel Alcock (husband of the superintendent); Church of England; age 40; trained at Battersea (London) Training College; salary 80 *l.* a year; painstaking and useful; possesses more than ordinary aptitude for teaching music.

Junior Assistants.

			£.	
1. Miss E. Philips;	Church of England;	age 29;	salary 40	a year.
2. Miss C. Briggs;	ditto	age 24;	„ 34	„
3. Miss F. Smith;	ditto	age 23;	„ 30	„
4. Miss C. Stewart;	ditto	age 22;	„ 25	„
5. Miss W. Lawrence;	Weseyan;	age 17;	„ 25	„
6. Miss Rose Ferrier;	Church of England;	age 20;	„ 25	„

On the whole, the junior assistants are well qualified.

There are two monitors in the school, both Roman Catholics, and paid 5 *l.* a year each.

4. The organisation of the school is very skilful and effective.

5. The school accounts are accurately kept.

6. In the year 1868 there were on the rolls 422 pupils, of whom 121 had each given not less than 100 attendances; 149 had each given from 50 to 100 attendances; and 152 had each given under 50 attendances. The average attendance was 239.

7. Average age of pupils, 8¾ years.

8. On

8. On the day of my visit there were 315 on the rolls, of whom 217 were present. It was holiday time, but the pupils were specially summoned to meet me. When I appointed the day with Mr. Guppy for the examination, I was not acquainted with the fact that the model schools were to have vacation so soon. On the last regular school day before the holidays, there were 244 present, three less than I found in attendance. Eighteen of the junior pupils were boys. The classification was as follows:—

Forty-five in the first class; 32 in the second class; 65 in the third class; 34 in the fourth class; and 71 in the fifth class.

Satisfactory answering being represented by the number 10 the results were: reading, 5·8; spelling, 5·0; dictation, 5·4; writing, 5·2; arithmetic, 5·4 (nine did a sum in simple proportion, a number which exceeds the total of other pupils of primary schools throughout the island whom I found able to do the same); grammar, 3·3; geography, 3·0; industrial instruction fairly attended to; the girls are engaged upon whatever needlework they may, from day to-day, bring with them to the school. Singing very fair.

The results produced as here represented are not, of course, at all as satisfactory as might be experienced in a well-taught school in Great Britain or Ireland. Relatively, however, to those exhibited in the other public schools of the island the results are satisfactory. This school has a pre-eminence over all the other State schools in the Colony, in the marks obtained for reading, writing, arithmetic, grammar, and industrial instruction It is *ex æquo* with the Eastern Market Borough School in writing from dictation. (In the remaining branches, spelling and geography, the Eastern Market Borough School, Port of Spain, has obtained the highest marks.)

Mrs. Alcock's school would, I am certain, exhibit much more satisfactory results if a rigid discipline and scrupulous regard for self-reliance were cultivated in it. Prompting is the bane of the school. In indifferent schools this practice is reprehensible enough, but in a comparatively good school, like this, its universal prevalence is equally surprising and disappointing. Even the teachers themselves seemed to be insensible to the impropriety of prompting.

9. Of the 247 pupils present, 126 were Roman Catholics, 77 were members of the Church of England, and 44 were Protestants of other denominations. On the Wednesday preceding my visit, I saw 27 of the Catholic girls at the Cathedral, receiving, along with about 170 girls from other schools, religious instruction from Father Greenough. I cannot say that the answering on the occasion was satisfactory. The children of the Church of England receive religious instruction on Wednesdays, at the Chacon-street school, from the Rev. Mr. Richards. The Methodists and Presbyterians, I was informed, attend their respective churches on the same day, for religious instruction. The rule as to the issue of certificates of attendance at religious instruction is not observed.

10. Of the discipline I have already spoken. The demeanour of the girls was not as subdued as might be desired.

11. The observations I have made on the boys' model school as regards admission, registration, payment of fees, and vacations, apply to this school also. About a third of the pupils pay fees. In the boys' school, as I have mentioned, the proportion is only about a sixth.

12. There are two monitors, who are the only paid monitors in the Colony. Why this school is called a "model" school I am at a loss to conjecture. There are no ward schools for girls, and no schoolmistresses are employed in the ward schools. The managers of the non-endowed schools select teachers from other places. This school, therefore, performs no model or normal functions.

13. The amount expended on the school in 1868 was 3,429 dollars 65 cents., or an average of 28 dollars 34 cents. for each pupil who had given not less than 100 attendances.

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74. It will have been gathered from the preceding remarks that, in my opinion, these schools, regarded as "model" schools, should cease to exist. The Woodbrook school is good for very little. The girls' model school, as a common school of primary education, will, I hope, be continued; so that the Colony may still enjoy the advantages of Mrs. Alcock's energy and teaching capacity. Normal School.

75. All the teachers of the ward schools, with the exception of the Erin teacher, have been trained in the Woodbrook Normal School. The general observations which I have already made upon the results of my examination of the ward schools will, I presume, be read and considered in their bearing upon the training school from which the teachers issued. I now come to th Normal

NORMAL SCHOOL, WOODBROOK, PORT OF SPAIN.

1. In his original design of the system of education, Lord Harris provided that "there should be established a normal school in Port of Spain, for the purpose of educating schoolmasters and schoolmistresses."

2. With the exception of one as a model school, and another as a Port of Spain Borough Council School (the latter abolished many years ago), there have been no girls' schools established, so that the functions of the normal school should have been restricted to the training of masters.

3. The Port of Spain Normal School consists of the body of assistant teachers employed in the model school at Woodbrook. Mr. Tronchin is the superintendent of both the normal and the model school.

4. The students nominally consist of two classes, the paid and the unpaid.

5. As I have just stated, the paid students act as assistant masters in the model school; as such they are paid salaries varying from 10 *l.* to 35 *l.* a year.
The following are the paid students at present in the normal school:—

1. A. R. Innis - -	Baptist - -	Age, 23 -	Salary, £.	35	a year.
2. P. C. Pierre -	Roman Catholic	„ 36 -	„	35	„
3. F. N. Monsigne	„	„ 23 -	„	25	„
4. R. Lawrence -	„	„ 21 -	„	20	„
5. E. J. Cox - -	„	„ 25 -	„	15	„
6. P. S. Barry -	„	„ 36 -	„	15	„.
7. Francis Guy -	„	„ 18 -	„	10	„

6. There are no unpaid students at present in the school.

7. None of the students are boarded or lodged in the establishment. Each resides in lodgings, or with relatives or friends, at his own option.

8. On Mondays, Tuesdays, Thursdays, and Fridays, the normal students are exclusively engaged as assistants in the model school. On Wednesdays only are they students proper, the superintendent being their instructor and trainer. On Saturdays they are free. According to the rules, the instruction of the students should be distributed over Wednesday and Saturday for two hours each day. It is no improvement to make those hours continuous, and crush them all into Wednesday.

9. Of the assistant masters, as such, I speak in my report on the model school; and I now proceed to treat of them as normal school students.

10. In the first place, they have not been judiciously selected. Not one of them had ever been a paid monitor or a pupil teacher. Nearly all had been at some other occupation, and doubtless failed at it, or got tired of its labours, or disappointed with its rewards, before betaking themselves, as a *dernier resort*, or as an easy way of earning a comfortable livelihood, to the profession of teaching. Mr. Innis had been an overseer on a sugar estate; Mr. Pierre, a tailor; Mr. Monsigne, an overseer on a sugar estate; Mr. Lawrence, a teacher of a private school; Mr. Cox, an overseer on a sugar estate; Mr. Barry, an overseer on a sugar estate, and for six months a teacher of a private school; and Mr. Guy, a shoemaker. Such antecedents are not peculiar to the present batch of students.

11. The preceding statement prepares your Lordship for the fact, that upon the entrance of the students into the normal school, their qualifications are of the humblest character. One of the students recently admitted was unable to perform for me an easy sum in simple division; although, according to the rules, the qualifications requisite upon entrance are to be able to read, spell, write from dictation, and work sums in the four simple rules of arithmetic. This is a very low standard, but anything higher would be above the level and capacities of persons whose antecedents have been such as I have described.

12. The students' period of service varies from two years and eight months in the case of Mr. Innis, to one month in the case of Mr. Guy. The consequence of this extreme variety is, that if the instruction is suitable to the intellectual level of the senior students, it is more or less incomprehensible to the juniors.

13. In the course of instruction pursued by the superintendent there is neither sequence nor development. There is no fixed routine. Now one subject is taught, then another, all at haphazard. For instance, when I inquired whether algebra had been taught, the reply was, "We have not taken it up yet." It was the same with regard to other subjects.

14. Pedagogy, the distinguishing study of a normal school, is practically ignored. Not only is there no systematic teaching of the science of method, of school organisation, of discipline, of the cultivation of the human character, or of the development of the moral sentiments, but there is no regular series of expositions given of the mere mechanical details and the common operations of schoolmastership. Even the rules of the system under which the students are to teach are not expounded. In my report on the Icacos school will be found an account of a teacher who was twice trained in this normal school, and who not only was unacquainted with, but positively denied the existence of, the fundamental rule of the system as to the issue of certificates of attendance at religious instruction.

15. As to the moral training of the students no high or well-defined effort is made. The vices which a public teacher should be an instrument in checking, or the virtues which he should endeavour to inculcate, are not brought prominently under their consideration. Even

Even the formation of their own individual characters is to a great extent neglected. Certain acts and omissions are recognised as offences, such as irregularity of attendance, disregard of cleanliness, neglect of study, violence, indecency, falsehood, and insubordination. But it is only in a penal sense that discipline is sustained. The attributes which are the opposites of these offences are not made the basis of a positive code of morals. Normal school.

16. Taking into consideration the preceding circumstances, remembering that the students are under instruction only one day in each of the 42 working weeks of the year, and bearing in mind the class from which the students are drawn, as well as the advanced age at which they frequently turn to teaching, your Lordship cannot be surprised to learn that the result of my examination was of a very unsatisfactory character. The quality of the students' intellects astounded me. I have frequently seen the pupils of an infants' school display a readier aptitude in deliberation and apprehension. Relying upon mere memory, the students invariably spurted out an answer, whether right or wrong, to every question. I asked one of them to demonstrate an easy proposition in geometry. He jumped to his feet with alacrity, walked across the floor, took the piece of chalk in his hand, and faced the black board. His manner was quite pretentious. In a moment, however, it appeared that he was utterly ignorant of the proposition; and by no hint or help could he be got to understand anything about it. Another then tried it, but when he began to draw the diagram his memory failed him, and he too had to retire.

On a previous occasion, at an examination of the students, conducted by Mr. Deighton, the principal of the Queen's Collegiate School, I witnessed a similar scene. Not one of those present could distinguish between the fourth and the eighth proposition of the First Book of Euclid. The involved condition of their understandings was to me inexplicable. But they were never abashed. Even of their ignorance they appeared unconscious, and their intellectual defects were rendered the more lamentable by this moral disorder.

17. The normal students receive no religious instruction in the institution, nor is there any arrangement in force by which they are to receive it elsewhere. In point of fact, the spirit of the normal-school training is to keep religion entirely out of view, to ask no questions, and to be ostentatiously unconcerned about it. In evidence of this extraordinary fact, I have only to refer to my reports on the 30 ward schools, the masters of which, with one exception only, have all been trained, and in which, it will be seen, there has not been in a single instance an observance of the 20th rule, which provides that every pupil in a Government school shall produce a certificate quarterly from his clergyman, showing whether the child had attended, and if so, with what degree of regularity, for religious instruction during the quarter. But the lives those teachers lead demonstrate the same fact. Mr. Farfan or Mr. Darling reported last year upon 28 of the present ward-school teachers, seven Catholics and 21 Protestants. With a view, I suppose, of ascertaining the extent of the religious influences exerted by the teachers through the example of their lives, Messrs. Farfan and Darling inquired whether the teachers were communicants (practical members) of the church they professed to belong to. Only one of the Catholics and 11 of the Protestants were found to be communicants. But in estimating the effect of training upon the teachers, there are other considerations besides those relating to an observance of religious duties to be kept in view. I do not like to dwell upon this subject; I cannot, however, avoid touching upon it. Imputations of immorality against masters have not been unfrequent. One man had been charged with mocking some of the ceremonials of religion; another man had been charged with seduction; another with leading an immoral life, &c. The charges may have been unfounded; it is strange, however, that they should have been so numerous. One man told me that he attended different places of worship, Catholic and Protestant, as he believed a little of each religion. A high-toned sense of religion did not, I am bound to say, appear to me to be either cultivated or possessed by the teachers as a body.

18. From August 1861 to January 1869, a period of 7½ years, 23 students left the normal school. Of tis number only 12 are now in the ward schools, and only one other (Mr. Farrell, of the Tacarigua Orphan Home) in any other public school. Of those who are not now in the service, some were dismissed, and some left of their own accord.

19. The term "normal," as applied to this school, is a singular misnomer. Neither intellectually, professionally, nor morally is it entitled to be so designated. Its existence deludes, and its operations are productive of mischief.

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76. I have no hesitation in recommending the abolition of this so-called normal school. Its operation is a most serious reflection upon the administration of primary education. The training of candidates for teacherships must be accomplished by other means. Abolition of normal school.

77. Every good school may serve the purpose of a normal school. The institution of monitors is the foundation of all efficient training. The monitor is the future teacher. He begins his training at 12 or 14 years of age. His vocation is fixed. He is not driven to teaching by laziness, by disappointment, Monitors.

or by failure in other callings. I have already adverted to this topic, and shown how completely disregarded is the 15th rule, which contains a provision for the appointment of monitors. Every good school, commanding an attendance of 40 pupils, and conducted by a well-qualified teacher, ought to have the services of a monitor. The inspector should determine the schools in which the paid monitors may be employed. The manager and the teacher should then put forward a number of candidates of the required age, say, 12 years, in good health, of good character, and possessing a taste for teaching. By a competitive examination the inspector should then adjudge the monitorships to the best of the candidates. The period of training might be five years. A programme of the course of study in pedagogy, as well as in literature and science, should be laid down by the Board of Education, and an examination of all the monitors should be held annually by the inspector. The salary of the monitor might range from 4 *l.* in his first year to 10 *l.* in his fifth year, the payment of each year's salary to be contingent on his passing his examination creditably, and discharging his duty throughout the year to the satisfaction of manager, teacher, and inspector.

Gratuity for training monitors.

78. To reward the teacher for his industry, and encourage him in the task of preparing candidates for the office of teacher, I would grant him, as a premium for each monitor who should pass the annual examination, a sum equal to half the year's salary of the monitor. When, at the expiration of his five years' period of service, the monitor, after a searching and comprehensive examination in pedagogy, literature, and science, obtained his diploma for teaching, and became either teacher or assistant-teacher in a National school, the master who prepared him should be awarded a special gratuity of, say, 10 *l.*, as a recognition of the importance attached by the Government to the training of a teacher for the service of the Colony.

Schools for monitorships.

79. The large schools of Port of Spain might each have two, three, or even more monitors, according to the exigencies of the school, and the facilities for the special instruction of the monitors. Mrs. Alcock's School and the Convent School of St. Joseph might each be able to produce suitable candidates for four or five monitorships, and might each thus become the nucleus of a training school for female teachers The Eastern Market Borough School, the Town Hall Borough School (under a new organisation), Mr. Tronchin's School (also under a new organisation), the St. Dominick School, &c. &c., might likewise have each its quota of paid monitors, some Catholic and some Protestant, to supply the demand for schoolmasters.

Extension of rule as to gratuity.

80. In addition, I would permit any young person from 18 to 25 years of age who might obtain a nomination to a school, either as principal or assistant, to stand the examination for a diploma, the subjects being the same as those for a fifth year's monitor, whether he had passed through a monitorship or not, and altogether irrespectively of the class of school, primary or secondary, in which he had been educated. Even in this case I would bestow the premium of 10 *l.*, provided the candidate, immediately before his appointment as teacher or assistant-teacher, had, for not less than two consecutive years, attended the school of the master claiming the premium. This provision would enable young persons intending to become teachers to pursue their studies in the Collegiate School, or the Catholic College, or the Convent Boarding School, or some other educational establishment of a similar character, and would give the conductors of these schools an interest, partly for the sake of the *eclât*, and partly for the sake of the premium in organising a class for the preparation of persons destined to act as public teachers.

Expense of training teacher.

81. The expense to the State of the production of a teacher through the operation of the monitorial system would be 64 *l.*, viz.: 36 *l.* for the five years' salary of the monitor; 18 *l.* for the premiums to the teacher during the five years, and 10 *l.* premium to the teacher whose monitor passed his final examination, and obtained an appointment to a school. In the case of a candidate who had not been a paid monitor in a Government school, or who had come from a school in which there was no paid monitors, such as, for instance, the Queen's Collegiate School, the Convent Boarding School, &c. &c., the expense to the State would be only 10 *l.*

82. The

Practising schools.

82. The Queen's Collegiate School, the Catholic College, the Convent Boarding School, &c. &c., might have affiliated with them certain common primary schools in their respective neighbourhoods; and these primary schools would serve as "practising schools" for students who intended to become public teachers.

Number and expense of monitors.

83. The number of monitors might be limited to 50 for the whole Colony. The expense for the first year would be about 375 *l.* When the system would become fully developed, the annual expenditure would rise to about 600 *l.* It is to be observed, however, that the whole of this expense should not be set against the item "training;" because during their periods of service, the monitors, by acting as intelligent and efficient assistants, and in many cases rendering the appointment of regular assistant-masters unnecessary, would perform duties of far greater value than their pay could possibly represent.

Preference for monitorial training.

84. I have no doubt that this plan for the training of the future teachers of the Colony would be infinitely more fruitful in the production of skilful and devoted instructors than any training institution under the direct control and management of the Board of Education could ever become.

Annual demand for teachers.

85. I calculate that the staff of teachers will be about 70 immediately, and 100 eventually. The annual demand for new teachers will probably range from five to ten; and the monitorial system which I contemplate could easily supply this number of teachers. In the meantime, the annual examination for "diplomas to teach" will furnish a limited number of suitable candidates. For the immediate wants of the schools, however, managers must be content with the pick of the existing teachers, many of whom, under the influence of local management, would, doubtless, prove dutiful and useful.

Borough schools.

86. The three Borough schools, under the corporations of Port of Spain and San Fernando, were intended to form, as it were, a medium grade, and the model schools a high grade, of primary schools. In the rules for the government of the Borough schools of Port of Spain, it was provided that the instruction should be confined to reading, spelling, writing, arithmetic, English grammar, and geography; and that when a pupil exhibited satisfactory proficiency in these subjects, and an aptitude for further study, the master was to report the case to the inspector, who, if satisfied with the boy's acqnirements, was empowered to draft him as a free pupil into the model school. This very interesting and important rule was passed by the Board of Education on the 6th of April 1858, and was known as rule 21 for the regulation of the Borough schools. Its design was excellent, and the machinery for its working was simple. But it is a dead letter. It is still one of the printed rules, but it is never acted on. In the Appendix will be found a separate report upon each of the Borough schools.

Religious instruction.

87. Last year, his Excellency the Governor appointed Messrs. Darling and Farfan as Commissioners "to inquire into, and report upon, the character and amount of the religious instruction imparted to the pupils of the several ward schools in the colony." I have had the advantage of perusing the separate reports of these gentlemen, and, in reference to the religious knowledge of the pupils, I defer entirely to the representations made in those reports. I have deemed it advisable in my own reports to quote their facts as affording a faithful delineation of the answering of the pupils on religious subjects. In most cases I limit the statement to an account of the number possessing a knowledge of the highest branches in which they were examined, *i. e.*, the Lord's Prayer, Creed, and Commandments.

The secular principle.

88. I have already given a history of the secular principle of the system, as established by Lord Harris. Two days in the week were holidays, and one of the days (Wednesday) was specially set apart to enable the children to attend their pastors, at the churches or elsewhere, for religious instruction. It was particularly enjoined and enforced that the schoolmasters were not to be the instruments for imparting the religious instruction, and it was as rigidly laid down and carried out that the school-rooms were not to be employed for any purpose connected with such instructions.

Doubts as to use of schoolroom.

89. Some of the present supporters of the system endeavour, I know, to cast a doubt upon the existence of these provisions of the system. Mr. Guppy, the

inspector of schools, in a report addressed to the Board a few weeks before my departure from the Colony, says:—

"In the original constitution of the system, Wednesday was set apart for religious instruction, but no provision seems to have been made for the use of the school-house for such instruction. I have myself, however, been under the impression that such use was sanctioned by the Government, and I believe that whenever an application has been made on the subject, the use of the school-houses has been granted."

A few days after Mr. Guppy had read this report to the Board, I drew his attention to a minute confirmatory of the general sentiment of the public upon the subject, a sentiment with which I had become familiar. This minute, which is an extract from the proceedings of the Board of the 23rd October 1853, runs as follows:—

"His Excellency the Governor (Lord Harris) stated to the Board that, from a circumstance which had lately occurred at one of the ward schools, he had deemed it advisable that the following circular should be addressed to the several wardens throughout the Colony:—

"'CIRCULAR.

"'Sir, "'Government House, 31 August 1853.

"'THE Governor having heard that in some wards the wardens, from a misapprehension of the rules and instructions of the Governor and Board of Education, have permitted religious instruction to be given in the school-houses or school-rooms belonging to the wards, I have it in command to instruct you that the system of education established in the Colony is strictly secular, and consequently that no instruction but that furnished by the Board is to be given in those school-houses, and only by the master appointed to the school.

"'It is contrary to the rules and intentions of the Governor and Board that any minister of religion, or any other person, except the schoolmaster, should be permitted at any time to employ the school-house or school-room for any purpose whatsoever.

"'I have, &c.

(signed) "'*H. A. Murray*, Private Secretary.

"'To the Warden of ———.'"

Partial operation of rule.

Deviations from the system have recently occurred in this respect. The Cedros School is a place of public worship for the Protestants. The Erin School is also a place of public worship for the Protestants, and the teacher is the recognised and stipendiary Protestant catechist of the district. The Pointe-à-Pierre School has likewise been used as a place of public worship for Protestants on Sundays; and, in deference to the desire of the Protestant clergyman of the parish, the day set apart for religious instruction has been changed from Wednesday to Tuesday, and the religious instruction has been given in the school-room. At Savanetta a relaxation of the rule had been made in favour of the Protestant clergyman, and at Arima in favour of the Roman Catholic clergyman. My own opinion is that some of these changes were wise in principle, but in practice, because of their partial operation, detrimental to the polity of the system. The change of rule should have been publicly promulgated. It was injudicious to have left some people under the impression that the system, through the instrumentality of the teacher, countenanced religious teaching in the school-room, as at Erin, and to leave other people under the very contrary conviction. Not only was the change of practice generally unknown, but most persons to whom I mentioned the matter appeared to be incredulous about it. The minute of 23rd October 1853 has never been formally rescinded.

Time.

90. The time for religious instruction was, as I have said, on Wednesday. The Erin School has religious instruction daily, whilst the Pointe-à-Pierre School closes for it on Tuesday.

Place.

91. The place for religious instruction was to have been any place but the school-room. The practice in Cedros, Erin, Pointe-à-Pierre, Savanetta, and Arima, upsets this provision.

Teachers of religion.

92. The Government schoolmasters were not to be the teachers of religion. The case of the Erin School conflicts with this rule; and so does the case of Mr. Forde, who, during the nine years he was teacher of the Couva Ward School, was also stipendiary Protestant catechist of the district.

Expediency.

93. Expediency, now in one quarter, now in another, has modified the rules; but, as I have said, the changes have been only partial in their operation.

94. The

94. The cardinal rule of the system, that for securing religious teaching for the pupils, is known as rule 20. It is as follows:— Cardinal rule of religious instruction.

"Forms shall be supplied by the masters to each pupil, which the pupil shall once in every quarter return to the master, signed by the clergyman or minister from whom such pupil shall receive religious instruction, stating the days of attendance of such pupil for religious instruction during the preceding quarter of a year. If it shall appear that any pupil has not received religious instruction or has been irregular in his attendance for the purpose, the fact shall be brought by the master of the school under the notice of the inspector, who shall report the same to the Governor."

This is a solemn and momentous rule. It brings the child, in respect to his religious training, into direct relations with the head of the State. The schoolmaster is involved, the clergyman is involved, the inspector is involved, and the Governor is involved. The rule professes too much. It is a provision overcharged with safeguards. The consequence is natural. No one acts upon the rule. Very few of the teachers are even acquainted with it. The teacher of the Icacos School positively controverted its existence, and endeavoured to sustain his position by referring to the fact that, whilst in training at the normal school, Port of Spain, he had never heard of it. As a matter of course, no teacher recognised any obligation or engagement as to religious instruction, rule 20 being a dead letter. Indeed the teachers almost universally plumed themselves on their repudiation of all cognisance of the religious instruction of their pupils. It sounded like a sort of impeachment of their integrity to ascribe to them the least interest in, or knowledge of, the religious training of their pupils.

95. For the 35 Government schools there are 34 teachers, one teacher conducting the two schools of La Brea and Guapo. Unsuitable distribution of teachers as regards the religion of the pupils.

Ten of the teachers are Roman Catholics, 19 are members of the Church of England, two are Presbyterians, one is a Baptist, one is a Wesleyan, and one is a Separatist.

In seven of the schools, viz, the Boys' Model School, Eastern Market Borough, Carenage, Santa Cruz, Caura, Arima, and St. Joseph's (Naparima), the majority of the pupils are Catholic, and the teachers are Catholics.

In 14 of the schools, viz., the Girls' Model School, Diego Martin, St. Ann's (Laventille), San Juan, St. Joseph, Maraccas, Chaguanas, the Mission (Savanna Grande), Canaan Village, Oropouche, La Brea, Guapo, Cedros, and Mayaro, the majority are Catholic, and the teachers are members of the Church of England.

In one school, San Fernando Borough, the majority of the pupils are Catholic, whilst the teacher is a Presbyterian.

In one school, Maraval, the majority of the pupils are Catholic, whilst the teacher is a Wesleyan.

In one school, Icacos, the majority of the pupils are Catholic, whilst the teacher is a Baptist.

In five schools, Arouca, Savanetta, Pointe-à-Pierre, St. Madeleine, and Erin, the majority of the pupils are Protestant (Church of England), and the teachers are of the same religion.

In one school, Town Hall Borough, the majority of the pupils are Protestants of the Church of England, whilst the teacher is a Separatist.

In one school, Victoria Village, the majority of the pupils are Protestants of the Church of England, whilst the teacher is a Presbyterian.

In two schools, Tacarigua and Couva, the majority of the pupils are Protestants of the Church of England, whilst the teachers are Roman Catholics.

In one school, Iere Village, the majority of the pupils are "Dissenting," whilst the teacher is a Roman Catholic.

And in one school, Indian Walk, the majority of the pupils are also "Dissenting," whilst the teacher is a member of the Church of England.

Summary: In 24 of the schools the majority of the pupils are Roman Catholics, and only seven of these schools have Roman Catholic masters.

In 11 of the schools the majority of the pupils are Protestant, and three of these schools have Roman Catholic masters.

In the Girls' Model School, in which the majority of the pupils are Catholic, there are eight teachers, not one of whom is a Roman Catholic.

In Mr. Darling's report, Arouca and Pointe-à-Pierre Schools are returned as having

having Catholic majorities, whilst in my returns they have Protestant majorities; and Diego Martin and the Mission (Savanna Grande) Schools are returned as having Protestant majorities, whilst in my returns they have Roman Catholic majorities. These variations are easily accounted for. Both at Arouca and at Pointe-à-Pierre, a large and flourishing non-endowed Roman Catholic school has attracted from the Ward School a considerable number of Catholic pupils, so that in each place the Ward School now has a Protestant majority. At Diego Martin the numbers, as given by Mr. Darling, were pretty evenly balanced, 36 Protestants to 32 Catholics on the rolls. Now, there are 33 Catholics and 30 Protestants. The change may probably be accounted for by the attendance of some of the Protestant infant pupils at the rector's infant school in the village. At the Mission (Savanna Grande) School, the numbers in Mr. Darling's report were 63 Protestants and 59 Catholics, the Protestants having a slight majority. Now the numbers are 61 Catholics and 59 Protestants, the majority being on the Roman Catholic side.

The parent to impart religious instruction to his children.

96. I do not feel called upon to discuss the importance of religious influences in the training of youth. Nearly everybody appreciates their value. The only diversity of opinion in relation to them has reference to the agents on whom it devolves to bestow them. Who is to impart religious knowledge, and cultivate the moral feelings? Some people invest the parent with the exclusive responsibility; others distribute it between the parent and the pastor; and others, again, assign it to the parent, the pastor, and the teacher conjointly. In Trinidad I have experienced each of these different shades of opinion, and have visited schools in some of which the first principle, in others the second, and in others the third were respectively recognised. Of the authorities who would limit the responsibility to the parent, the most influential I have met with in the Colony is the Honourable Henry Mitchell, Agent General of Immigrants. In a paper upon the education system (I quote from an enclosure in Despatch No. 9, of 8th January 1868) Dr. Mitchell says:—

"God himself has enjoined on every Christian parent to see that his children are brought up in the nurture and admonition of the Lord; no man has a right to shirk this sacred duty, nor to sanction any arrangement by which its responsibility may be devolved on others."

And again he says:—

"I join entirely with those who hold that, if possible, religious training should never be under the guidance of those who wield the intellectual ferule."

In placing his views in the first category, I hope I do not misunderstand Dr. Mitchell. I quote his exact words, because he is a person of undoubted integrity and great public worth.

Those who limit the responsibility exclusively to the parents distinguish between the influences *involuntarily* produced by attendance at public worship, and the influences which are the result of education in its purely didactic sense. They say: where a church is at hand let children go to it on Sunday, recite their prayers, sing their hymns, and listen to sermons; let them benefit as much as possible by all such salutary practices; but whether or not churches are at hand, and children frequent them, let the essentials of religious knowledge be inculcated, let the prayers be taught, let the Catechism be expounded, let the Christian attributes be impressed, let the Divine purpose be indicated, let faith be implanted, let hope be inspired, let charity be instilled, let truth, and industry, and honour, and reverence, and every other virtue be cultivated; in short, let the whole Christian character be formed *exclusively by the parents.*

Operation of this principle.

97. In point of fact this most serious principle is in practical operation in numerous parts of the island. In his report upon the religious knowledge of the pupils of the ward schools, Mr. Farfan shows that, in the majority of the schools, the knowledge, meagre and inaccurate as it was, possessed by the Catholic children had been imparted to them by their parents. He states that only 20 per cent. of the pupils of the ward schools receive religious instruction from the clergy, Protestant or Catholic; the remaining 80 per cent. obtaining religious instruction from their parents, or else obtaining none at all. To the teaching of the parents he altogether attributes whatever religious knowledge is possessed by the pupils of the schools of Diego Martin, Santa Cruz, Maraccas, Caura,

Caura, Tacarigua, Arima, Chaguanas, Savanetta, St. Joseph's (Naparima), St. Madeleine, Indian Walk, Victoria Village, Canaan Village, Oropouche, La Brea, Guapo, and Icacos. Neither priest nor teacher had anything to say to the religious education of the Catholics of these schools. My detailed reports exhibit the scant measure of religious knowledge possessed by the pupils. Mr. Farfan thus describes the effect of parental teaching :—

"I must now state that many, I may say most, of the pupils who could say their prayers very well, did scarcely understand a single word of what they said. In fact some grown-up pupils, both Protestant and Catholic, who could read and write, said their prayers more like parrots than Christians; and when asked, 'Who is our Saviour Jesus Christ?' could not give a proper answer. Some said He was Moses, others the Virgin Mary, St. Peter, Adam; and some said He was Eve. Much less could they say why the Saviour came down on earth. This ignorance comes from their having learned their prayers from their parents, who, either through ignorance or through neglect, never explain to their children the meaning of the prayers they teach them, and never instruct them in any of the mysteries or truths of religion."

My own experience completely confirms the accuracy of Mr. Farfan's observations.

The following analysis which I have made of Mr. Farfan's report, so far as it relates to the Roman Catholic pupils, will exhibit the state of things consequent upon mere parental instruction :—

Answering of Roman Catholic pupils.

Of 663 Catholics examined,—
- 209, or 31·3 per cent., knew neither their Catechism nor their prayers;
- 83, or 12·6 per cent., knew the Lord's Prayer only;
- 257, or 38·7 per cent., knew only the Lord's Prayer and the Creed; and
- 114, or 17·4 per cent., knew the Lord's Prayer, the Creed, and the Ten Commandments.

Of the 663, only 39, or 5·8 per cent., had been at their first communion.

In reference to the preceding analysis, I should mention a circumstance which, to some extent, tends to account for the egregious ignorance of the Catholic pupils. Their language is a *patois* of French or Spanish, generally the former. At home or in church, the Catechism and prayers are learned in French. The language of the school is English. Translation from one language to the other is rarely, if ever, attempted. Over and over again I urged the children to try it. With the greatest difficulty the Catechism was occasionally translated into English, or into the Creole *patois*. Much of the bad answering may be ascribed to this defect; yet the pupils' ignorance was, on the whole, of a deplorable character. I may say that I did not examine a single Catholic child who possessed even a vague apprehension of the mysteries of the Unity and Trinity of God, the Incarnation, Death, and Resurrection of our Saviour.

98. From Mr. Darling's report I make the following analysis of the answering of the Protestant pupils whom he examined.

Answering of Protestant pupils.

Of 300 Protestant pupils examined, 6, *i.e.*, 2 per cent., knew neither their Catechism nor their prayers;
- 50, *i.e*, 16·6 per cent., knew the Lord's Prayer only;
- 115, *i.e.*, 38·3 per cent., knew only the Lord's Prayer and Creed; and
- 129, *i.e.*, 43·1 per cent., knew the Lord's Prayer, Creed, and Ten Commandments.

Of the 300, only one had been confirmed. Mr. Darling does not enter upon any inquiry as to the effect of mere parental teaching; but I have no doubt whatever that the unsatisfactory character of the answering he experienced is altogether due to it, or to total neglect.

Morals of people.

99. Are the morals of the parents of such a character as to make it desirable that they alone should impart religious instruction to their children? I hesitate to speak my mind as openly as perhaps I ought upon the morals of the people. The consideration of this topic forced itself upon me; and the very nature of the information which I first received on the subject induced me to pursue my inquiry very extensively and very minutely. Before arriving at a conclusion upon so delicate a matter, I naturally took the greatest pains to be accurately informed. I consulted clergymen of all denominations; leading public officials; planters,

planters, merchants, and professional men; and also the statistics in possession of the Government.

In a communication, published last September, the Archbishop of Port of Spain, speaking of the people, says:—

"Among them the greatest immorality prevails. . . . Mingled with their religious faith, is a great deal of ignorance and superstition."

As I have already said, I am most reluctant to speak my mind unreservedly on the subject. Not to allude to the prevalence of falsehood and petty theft, not to speak of darker forms of immorality, I may, however, refer to the notorious prevalence of concubinage which characterises the domestic life of the people. I shall specify a few instances. The ward of Mayaro is one of the most remote in the island. It is far away from towns. Its inhabitants might, reasonably enough, be expected to spend their lives in Christian happiness and rural simplicity. They are all of the same religion. There is a church, whose congregation is in charge of a resident Roman Catholic priest. There also is a public school. From the warden's official report to the Government I learn that, during the 20 years ending with 1868, there were born in the ward 672 children, of whom 540 were illegitimate. In 1854 there were born in the ward 36 children, of whom only *one* was legitimate. In Port of Spain the Catholics have for their pastors a community of Dominican Fathers who, as I was informed, and as I could not have failed personally to observe, are zealous and even enthusiastic in their efforts to promote the religious amelioration of their flock. Yet the register of baptisms performed in the cathedral during the year 1868 exhibits anything but a gratifying state of things as to the moral sensibility of the people. Of the children born of Catholic parents during that year, 239 were legitimate and 282 illegitimate. These are startling facts; terrible reflections on the moral character of the people. Can it be a matter of surprise that, under a system of education which relegates the religious training altogether to the parents, to such parents as I have been describing, the results are as disheartening as Mr. Darling, Mr. Farfan, and I myself found them? The immediate inheritors of the vices, superstitions, and ignorance of slavery, and of such is composed the vast mass of the creole population of Trinidad, are assuredly the least appropriate people under the sun to whom to commit so momentous an experiment as that of moulding the young mind to a Christian aspiration, and the young heart to a virtuous impressibility. In these observations, I have made no reference to the indolence, thoughtlessness, or improvidence of the people, qualities which cannot be overlooked in a consideration of their fitness for the moral and religious training of children. I have accordingly come to the conclusion that no system of education is salutary or philosophical which, in the circumstances of such a colony as Trinidad, not to speak more generally, relegates to the parents the religious instruction of the children.

The parent and the pastor to impart the religious instruction.

100. The second class of opinion to which I have adverted, namely, the class that would distribute between the parent and the pastor the responsibility of imparting religious instruction, may be said to embrace the founders and advocates of the Trinidad system of education. The first principle which I have discussed is the *practice*, the second is the *theory* of the system. The universal non-observance of rule 20, which I have already quoted, shows that even this, the essential principle of the system, is utterly disregarded.

The parent, the pastor, and the teacher to give it.

101. The third class of opinion, that which would distribute between the pastor, the parent, and the teacher the responsibility of giving religious instruction, prevails universally in Catholic circles. In the non-endowed schools under their own management the clergy of all denominations favour this theory. In these schools religious instruction is given daily by the teachers, who are occasionally assisted by the clergy. But the advocates of the ward schools, many of whom are the Protestant portion of the clergy I have just referred to, altogether repudiate the agency of the teachers in giving religious instruction to the pupils of a Government school. I totally dissent from this opinion. I know that in Ireland, where there are upwards of 6,600 national schools, the greater number of which are attended by pupils of different denominations, the teachers, in 99 cases of every 100, are the persons charged with the religious instruction of the majorities; and I further know that no agents could be more zealous or efficient in the discharge of their obligations, both secular and religious. Why is the *doctrinaire*

doctrinaire principle of secularism necessary for Trinidad? Even if the principle were salutary elsewhere, it would yet be a vicious one in Trinidad.

Unreasonableness of secular rule.

102. The pedantry of the rule which prohibits the giving of religious instruction in a ward school is peculiarly and lamentably exemplified in the case of the schools at La Brea and Guapo. In this district the people are exclusively Roman Catholic. The unhealthiness of the district, which includes the neighbourhood of the Pitch Lake, is so great that it is at present without a resident clergyman. Priests have died off in rapid succession, after a very brief residence in the place. The coloured people, however, are favoured with considerable immunity from the pestiferous influences, and enjoy an average amount of good health. The teacher is, of course, a man of colour, and every teacher of the schools must be so. If he were a Catholic (the present teacher is a Protestant), and were permitted to instruct his pupils in religious knowledge, his services would be invaluable to the entire district. A more striking illustration of the inconvenience and unreasonableness of the secular rule could hardly be adduced than is afforded by this case.

Development of "secularism."

103. As a further advance in the principles of "secularism," and as an indication of its spirit, I find that, in a code of revised rules submitted by the inspector of schools on the 27th March, for the consideration of the Board of Education, serious interpolations have been made in the late Archbishop Whately's "General Lesson," a copy of which has been supplied to every ward school, with instructions to the master to inculcate its principles, and cause the pupils who are sufficiently advanced for the purpose to commit it to memory. The passage,—

"Jesus Christ did not intend His religion to be forced on persons by violent means,"

is changed into,—

"The great Founder of Christanity taught that religion is not to be enforced by violent means."

Again, the passage,—

"If we would obey Christ, we must do to others as we would that they should do to us,"

is changed into,—

"Man was formed a social being; and he should always endeavour to do to others as he would that others should do unto him."

Local management necessary.

104. The principle of the Erin Ward School is an exception to the rule of the system. The teacher there gives religious instruction daily, and with what gratifying effect I beg to refer your Lordship to my report in the Appendix. I am again reminded that, without local managers, no efficient system of religious instruction could be carried out by the teachers; because the instruction, to be efficacious, should be completely removed from the groove of perfunctoriness; and in order to be so, the vigilant eye of a manager is necessary to watch and note the results from week to week, and to inspire teachers and children with a spirit of earnestness.

Fundamental principle of proposed system.

105. The great, indeed the only, rule that I would insist upon is, that no child should, on account of class, creed, or colour, be refused admittance to a school aided by the State; and that no child should be exposed, directly or indirectly, to the danger of proselytism. Consistently with this principle, which, from opinions that I have heard his Grace the Archbishop of Port of Spain express, would, I think, be acceptable to the Catholics, and which I have no reason to believe would be objected to by the Protestants, I would allow every manager of a public school free scope as to the course of religious instruction he might choose to adopt, and as to the employment of the person, whether the teacher or anybody else, by whom such instruction should be imparted.

Parental right. Pastoral right.

106. It is, of course, the inalienable right of the parent to determine the religion of his child. This should be done by a formal act of registration in the school records. The parish clergyman of the same religion as the child should then have the right, even if he happened not to be the manager, to visit his co-religionist in the school, and give him religious instruction at some convenient hour to be arranged for the purpose. I would thus secure both the parental and

the pastoral right: the parental, by leaving the determination of the child's religion to the father; and the pastoral, by giving every clergyman the privilege of directing or superintending the religious instruction of the pupils of his own flock. With an extensive experience of the Irish National Schools, I have not known the parental and the pastoral right to clash in one case out of millions. Hence, I do not hesitate to suggest the recognition of the principle in the future arrangements of the Trinidad schools.

Religious minorities.

107. The right of the State applies only to the secular business, over which its jurisdiction is absolute. In connexion with religious instruction, the only function of the State, yet an all-important function, is to see that no child is refused admission to a public school, because he professes a creed different from that taught in the school. There are places where the religious minorities are so small that it would be utterly impossible for them to organise independent schools of their own. For instance, the Protestant minority at Carenage is only three; at Maraval, only two; at Santa Cruz, only one; at San Juan, only one; at St. Joseph's, only six; at Canaan Village, only 14; at Orcpouche, only 11; at Icacos, only two; and at Mayaro, only three. In none of these places would the elements of a Protestant attendance be sufficient to constitute a school. But the State could not abandon to hopeless ignorance the Protestant minorities which exist in them. And the smaller the minorities the more helpless they are against the dangers of proselytism. Hence the necessity for the protective rule commonly known as a "Conscience Clause." The Catholic minority at Couva is only four; at Savonetta, only two; at Iere Village, only five; at Indian Walk, only four; and at Victoria Village, only 10.

Views of Archbishop of Port of Spain.

108. In his letter to the Governor, dated 2nd April 1867, His Grace the Archbishop of Port of Spain, speaking of minorities, and referring particularly to Protestant minorities, says:—

"It might be stipulated by the Government that their children would only receive secular instruction, but would by no means take any part in the doctrinal instruction of the school; and that their own religious instruction should be provided for by their family, such special arrangements being placed under the care and protection of both the warden and the public inspector of schools. This practice is not at all impossible or illusory, for I am assured that it is actually in force at Mauritius," &c. &c.

These views appear to me to be no more than a reiteration of the provisions of the Conscience Clause, and I therefore have much pleasure in inviting your Lordship's particular attention to them.

Children receiving religious instruction in a creed different from their own.

109. In the non-endowed schools under the management of the Catholics, I met with three Protestant children who were receiving Catholic religious instruction; but in the Protestant non-endowed schools on the other hand, I found 82 Catholics who were receiving Protestant religious instruction. The State gives no aid to these schools, and of course imposes no restrictions. Under the operation of an impartial system, which would favour the religious element, but would at the same time stigmatise everything in the shape of proselytism, the occurrence of children receiving religious instruction in a faith different from their own would be rendered impossible.

Departure from Lord Harris's system.

110. I have shown in various parts of this report that a considerable divergence from Lord Harris's system has, from time to time, been made by the Board. Teachers of the ward schools have been paid catechists; ward school-rooms have been used as churches, and religion has been taught in some of the schools. The Borough schools were established upon the general principle of the Government system. But a change of opinion has evidently entered the Borough Council. Grants of money towards the support of schools have been made by the Borough Council of Port of Spain without any stipulation as to the observance of the secular rule. On the 22nd July 1868, the Borough council passed this resolution:—

"That the Board, feeling that it is an important portion of its duties to extend education as much as possible among the rising generation, votes a sum of 10 dollars monthly, beginning from the 1st of August next, for the support of the free model school of Mr. J. R. Eriché. Similar grants will be made to the schools of the same class as that of Mr. Eriché when the Board is satisfied of their efficiency being equal to that of Mr. Eriché. The subsidy granted to Mr. Eriché will only be continued as long as his school remains in its present efficient state."

In

In a memorandum which the mayor of Port of Spain caused to be furnished to me, it is stated :—

"His Worship the Mayor promised to Father Forestier (of the Dominican Order) that as soon as it is made evident to the borough council that the Roman Catholic poor school, in the western part of the town, is in a state of efficiency, he will undertake to obtain for that school a grant similar to that made to Mr. Eriché." Father Forestier's school.

This proceeding is a complete revolution of the principle of the Government system. I do not attempt to conjecture how the change of opinion has been brought about. For the purpose of my inquiry, it is sufficient to note that it has occurred. It is very possible that Father Forestier would not exclude from the school any child because of its not being a Catholic; and it is even probable, indeed very probable, that he would not attempt to proselytise such a child. But the mayor imposes no conditions except in respect to the efficiency of the teaching. The case would harmonise with the principle which I propose for general adoption, if, associated with it, there were the requirement of a Conscience Clause.

At Tunure, the teacher of the Protestant school receives, as the licensed catechist of the district, 150*l.* a year from the Government; and at Couva, the teacher of the Protestant school receives, as licensed cathechist, 50*l.* a year from the Government. In each case the salary of the catechist serves also as a requital for the duties of the school.

Although these schools are not under the inspection or control of the Board of Education, yet I think that the principle of supporting them with public money is a departure from the policy of the secular system of public education.

111. If the patrons of these schools were prepared to submit to the same condition which, I think, the borough council ought to impose upon Father Forestier (the provision of a Conscience Clause) their connection with the Board of Education should be welcomed, and their teachers recognised as entitled to the same advantages as the masters of the ward schools. Terms on which aid should be granted.

112. Some people apprehend that if religious instruction were sanctioned in the schools, the school-hours would be completely absorbed or frittered away by it, to the detriment of the secular business. But this does not occur even in the non-endowed Protestant and Catholic schools, whose managers and teachers are at liberty to proceed as they like. Nor does it occur in the thousands of Irish National schools, in which religious instruction is given daily. But to prevent the possibility of an undue trepass upon the secular business, it would only be necessary to lay down a rule enjoining that the secular business should embrace a certain minimum number of hours a day; say, as is the case in Ireland, four hours. Should a system of payment for results be determined upon, the public need have no fear about inroads upon the secular instruction. As the results to be paid for would be of an exclusively secular character, teachers would scarcely permit their religious zeal to run counter to their interests. The danger might lie in the other direction. It might appear to some teachers to be only a loss of so many dollars, if they permitted an available hour to be spent in any other pursuit than that of qualifying their pupils to make a satisfactory display of results at the inspector's examination. But, under judicious local management, and an effective system of inspection, neither the religious nor the secular business would be likely to be marred or interrupted. Religious would not interfere with secular instruction.

113. In a previous part of my report I have mentioned that Lord Harris postponed, from February 1847 to April 1851, the initiation of his educational reforms, because he was "desirous to have the wardens' ordinance thoroughly established, as any general plan of instruction must be worked by its means." Management.

The fourth regulation of his Lordship's plan was—

"That the wardens of the several wards be called upon to establish schools at once, in such parts of their wards as shall appear most suitable for the convenience of the population, which shall be under the direction of the Board."

Rule XIII. of the primary schools runs as follows :—

"No master shall absent himself from his school at any time during school days without a written permission from the inspector of schools or warden; and should any master be incapacitated from attending to his school from sickness or other unavoidable cause, he shall immediately inform the warden thereof."

Rule VIII. lays down that—

"An examination of the pupils shall be held in the presence of the warden and such persons as may choose to attend once in the year," &c.

Wardens local managers.

Now, considering all these facts, that the delay in inaugurating the new system was occasioned by the necessity of having the wardens' ordinance first thoroughly set in motion, that the wardens were the persons called upon to establish the schools, that they were empowered to grant or refuse leave of absence to the teachers, that the annual examinations were to be conducted in their presence, that the salaries of the teachers were to be paid, books and requisites furnished, and the repairs of the school-houses provided for by them, I think I am justified in concluding, as I have already said, that the function of local management was originally imposed upon the wardens. This, however, is a controverted point. The wardens of the present day, most certainly, are not, in any sense, local managers.

Management of Borough council schools.

114. It is clear to me that, in the original idea of the borough council schools, it was contemplated to bring the function of local supervision into active play. There was to be a most vigilant management. The inspector of schools was to hold examinations, &c. &c., but the council was to reserve to its own keeping the control of the moral and religious training of the pupils. The rules provided that if a child failed to receive, or to be regular in his attendance at religious instruction, the master was to report the irregularity, in writing, to the council. Municipal solicitude could scarcely go farther. The borough council became, so to speak, the sponsor of the citizens. But, unhappily, the conception was only a sketch of fancy. The rule I have referred to is utterly disregarded, and, practically speaking, the Corporation of the city of London exercises as wholesome an influence upon the borough schools as do the councils of Port of Spain and San Fernando.

System of management proposed.

115. From all that I have said in reference to the question of management, your Lordship will, I am sure, be prepared to hear that I most urgently recommend a radical change in the present system. I propose that the plan now in force of exclusive management on the part of the State shall be abolished; and that, in future, all schools shall be placed under the care of responsible persons having local relation or connection with the places in which the schools are situated. The person who, in the first instance, applies to establish a school in connection with the Board of Education should be recognised as the local manager. If the applicant be a clergyman, so much the better, because the duties and opportunities of a clergyman peculiarly qualify him for the government of schools. If the applicant be a layman, he should be a person of station or property.

(*a.*) The managers should have the power of appointing the teachers, subject, as to character and professional qualifications, to the approval of the Education Board.

(*b.*) When there is but one school in a locality, the teacher should be of the same religion as the majority of the people of the locality.

(*c.*) The manager, on his own authority, should have the power of dismissing the teacher without notice, provided he state in writing, to the Board of Education, the grounds of dismissal, and that the Board approve of so extreme a step being taken.

(*d.*) The manager should, however, have the power of dismissing the teacher upon a three months' notice without being required to state to the Board of Education his reasons for the dismissal.

(*e.*) He should have entire control over the use of the school-house, and have the right to employ it for any lawful pupose, before and after school-hours.

(*f.*) He should have the determination of the religious instruction of the pupils, subject only to the provisions I have already laid down on the subject.

(*g.*) He should have the right of selecting the books to be used by the pupils.

(*h.*) He should have the right of fixing the rate of school-fees to be paid by the pupils, provided the Board of Education be satisfied that the fees are not fixed at so high a rate as practically to exclude the poor from the advantages of the school.

(*i.*) He

(*i.*) He should have the right of appointing the subjects of instruction, and of arranging the general details of the school business, provided the Board of Education be satisfied that due attention is paid to the cultivation of the essential subjects, reading, writing, arithmetic, and industrial instruction.

(*j.*) He should have the right to give holidays, vacations, &c., to the masters and pupils, provided the school be kept open for a certain minimum number of days in the year, say, 200.

Allocation of ward schools to managers.

116. I now come to a point of considerable importance, the allocation of the existing schools to local managers. The principle upon which I propose that this shall be accomplished is both simple and fair. I propose that the management of each ward school shall be vested in the clergyman of the same religion as the majority of the pupils; such arrangement, however, not to operate to the prejudice of any other person (clergyman or layman) who, commanding a sufficient attendance of pupils, and a suitable school-house, may choose to establish a school under his own management. Cases of the latter class would be very rare. They would be limited to those places where the minorities were pretty strong.

Schools that might be given to Catholic priests.

117. The schools which, as having Catholic majorities, might be handed over to the Roman Catholic priests are: Carenage; Diego Martin; Maraval; St. Ann's, Laventille; Santa Cruz; St. Joseph; Maraccas; San Juan; Caura; Arima; Chaguanas; St. Joseph's, Naparima; the Mission, Savanna Grande; Canaan Village; Oropouche; La Brea; Guapo; Cedros; Icacos; and Mayaro: in all, 20. In this list there are only three schools about which, in regard to effective management, any difficulty could arise. These are, Oropouche, La Brea, and Guapo. Oropouche is accessible enough to San Fernando, whose priests could, therefore, look after the school. La Brea and Guapo are at present without a resident priest, but the Catholic clergy of San Fernando are, I believe, ministering to the district. For the present, the management of these two schools might be entrusted to the Archbishop of Port of Spain, who could make arrangements, perhaps through the San Fernando priests, for an effective supervision of the schools. In the case of the other schools there is no difficulty whatever. I could name the priest to whom each might be assigned, but the allocation is so obvious that I deem it unnecessary to do so.

Managers to be acquainted with English.

118. Some of the priests are unacquainted with English. This is, no doubt, a drawback, for it must be a *sine quâ non* that English shall be the language of the schools. I have been assured, however, by the archbishop that should the Government, as I think it ought, after the lapse of a reasonable time, require the managers to be acquainted with English, that they may be able to conduct the examinations of the schools in English, his Grace would be prepared to enjoin upon the priests the duty of immediately mastering the language; but I should add, that the non-English-speaking clergymen are gentlemen of rare intelligence and accomplishments, and bent beyond measure upon promoting the education of the people. That they thoroughly understand the people, their language, their ways, and their faults, is a circumstance which, perhaps, outweighs the temporary inconvenience resulting from the reverend gentlemen's imperfect acquaintance with the English language.

Schools that might be given to the clergy of the Church of England.

119. The schools which, as having Protestant majorities, might be handed over to the clergy of the Church of England are: Tacarigua, Arouca, Couva, Savanetta, Pointe-à-Pierre, St. Madeleine, Victoria Village, and Erin; in all, 8. The only case of difficulty in the list is that of Erin, for there is no resident Protestant clergyman in the neighbourhood. At present the Venerable Archdeacon Cummins visits the school once a month, and practically manages it. Indeed, it is the only Government school in the Colony that enjoys the slightest semblance of local management; and my report upon it will show that, such as it is, the local supervision is not without its advantage. The archdeacon should be requested to continue to undertake the management of the school.

Schools to Dissenting clergymen.

120. In the schools of Iere Village and Indian Walk the majorities are Dissenters. At Iere Village there is a Presbyterian clergyman, but the dissenting element is chiefly of the Baptist denomination. At Indian Walk, also, most of the people are Baptists. The Board of Education could easily determine on whom to confer the management in such cases. If there were a regular Baptist

clergyman in each place, there could, of course, be no difficulty or hesitation about making him the manager.

Management of model and borough schools.

121. I offer no suggestion as to the future management of the model schools of Port of Spain and the borough schools of Port of Spain and San Fernando. The Government and the borough council would be able, without difficulty, to arrange for the management of these schools. In both towns other schools, which are much needed, will doubtless spring up, and many of the present non-endowed schools, as, for instance, the Cambridge-street, the Chacon-street, the St. Joseph's Convent (for the poor), the St. Dominick's, &c., will most likely become connected with the Board.

New schools to be established.

122. Besides the existing schools (endowed and non-endowed) others must be established to meet the requirements of the Colony. Of the particular want of schools for the coolies I shall hereafter speak. At Cocorite a school is much needed. At Cimaonero, Caroni, Montserrat, Moruga, and Toco, schools are also much required.

Objections to local management.

123. An objection to the managerial function might be urged on the score that it is liable to become languid. My answer would be this: "If the Board of Education found any particular manager neglecting his duty, or growing languid in its discharge, the Board should, in the first instance, address a remonstrance to him, and, failing to arouse him to energy, should then remove him from the management, or strike the school off the roll of public schools. As, however, the managers would be chiefly clergymen, whose duties naturally beckon them to the superintendence of schools, I do not apprehend failure in this respect. It might also be objected that, if the establishment of schools were committed entirely to local enterprise or effort, some districts, for want of persons fit to become managers, or of persons interested in the spread of education, may be left without schools altogether. I have cast my eye over the whole island, and I do not apprehend the occurrence of any such contingency. I have been informed that there was a time when planters were so hostile to schools, and so bitterly grudged the cost of establishing and maintaining them, that the most unpopular officer connected with the Government was the inspector of schools. In this respect a better feeling happily exists now; but should the Board of Education find any particular neighbourhood neglected, it would be perfectly competent for the Board to establish a school in the place, and, pending the finding of a suitable manager, control the working of the school through the inspector.

Liability of places to be left unprovided with schools.

Payment by results.

124. The disparity between one school and another, as to the cost of a child's education, is very remarkable. The details will be found in the reports given in the Appendix. At the Savanetta Ward School, for every pupil who had made not less than 100 attendances last year, the State paid 12 *l.* 2 *s.* 1 *d.*; whilst the average cost in the Ward, Borough, and Model Schools for every such pupil was 5 *l.* 14 *s.* 2 *d.* These are enormous sums for the education of a child. I measure the expense by taking into account those pupils only who had made not less than 100 attendances, because a pupil who attends less than 100 times in a year can hardly be expected to realise the advantages of the year's schooling. Taking into account these extraordinary disparities as to the cost of education; considering the fact that the irregularity in the attendance of the pupils is probably without a parallel in the school systems of the world; viewing the lamentable condition, even as to secular knowledge, in which I found the schools; and remembering that the teacher's salary is at present determined irrespectively of the extent of the attendance and of the quality of the results, I have come to the conclusion that a radical change in the system of remunerating teachers is indispensable. I strongly recommend that the great principle of paying for ascertained results shall be applied to the Trinidad teachers. I do not propose the English system, pure and simple. I propose that one-third of each teacher's income shall be dependent upon the results, as ascertained by the inspector at his annual examination; that another third shall be dependent upon a quarterly report of the manager; and that the remaining third shall arise from a "classification" or "certificate" salary. In addition to the income derivable from the Board, the teachers should be authorised to charge moderate school fees. I shall now briefly describe each of the three heads of State salary; and first as to the inspector's results' fees.

125. I propose

125. I propose to have a curriculum consisting, for the present, of five sections or standards, corresponding to the classification which prevails in the schools of the island. The scale of fees, for each section, I have arranged as follows:— Inspector's results' fees.

	Reading and Spelling.	Writing and Dictation.	Arithmetic and Industrial Instruction.	Total.
Section 1 - - - -	1½ dollars.	1½ dollars.	2 dollars.	5 dollars.
„ 2 - - - -	1½ „	1½ „	2½ „	5½ „
„ 3 - - - -	2 „	1½ „	2½ „	6 „
„ 4 - - - -	2 „	1½ „	3 „	6½ „
„ 5 - - - -	2½ „	1½ „	3½ „	7½ „

The minimum number of attendances yearly to qualify a child for the results examination should be fixed at 100. Details as to procedure can be obtained from a reference to the English Revised Code. The peculiarity of my suggestion is, that it involves a sliding scale which improves the payment to the teacher at each step of the child's classification.

126. The amount to be expended upon inspector's results fees would, I estimate, be as follows: Under the re-organised Board there would, the first year, be about 70 schools. The number of pupils who would make not less than 100 attendances would, under the influence of improved arrangements, be about 1,800. The classification of the pupils would not, at first, be as exact as it must ultimately become. I calculate that there would be, in the first class, 756; in the second class, 467; in the third class, 250; in the fourth class, 156; in the fifth class, 171; and that according to the scale of fees which I have laid down, the cost of instruction, if all the pupils passed satisfactorily, would be 10,059 dollars. I estimate, however, that the failures would be 20 per cent., so that the amount expended on inspector's results fees would be only about 8,000 dollars.

127. There ought to be about 50 school-days in a quarter; and a child who attends for, say, 30 of those days might reasonably be regarded as receiving a tolerably fair share of schooling; the absurd plan of having only four school-days in the week being, however, abolished. I propose that, in addition to the inspector's great annual examination there shall be a quarterly examination held by the managers; and that, on the manager's certificate, a fee of one dollar for each child who had made 30 attendances in the quarter shall, at the termination of the quarter, be paid on the following conditions:— Quarterly examination by manager.

(*a.*) That in the case of a pupil of the third, fourth, or fifth section, the manager can certify that the pupil had executed at least 30 fairly-written copies, each initialed and dated by the teacher, on 30 different days within the quarter; and,

(*b.*) That it can be certified that the general instruction of each pupil for whom a fee may be claimed had been progressive.

I estimate that 1,080 pupils would attend for one quarter only;
810 „ „ „ two quarters only;
675 „ „ „ three quarters only;
1,350 „ „ „ four quarters;

and that one dollar each being allowed for those who had attended one quarter, two dollars each for those who had attended two quarters, three dollars each for those who had attended three quarters, and four dollars each for those who had attended four quarters; the amount expended under this head would be 10,125 dollars. Expenditure under manager's results fees.

128. Owing to the managers' inaptitude for the duty, as well as ignorance of the English language, the quarterly inspection might for some time be only nominal or perfunctory; but the certificate that 30 attendances had been made Feasibility of manager's examinations

and 30 copies written, as also that the discipline was good and the dutifulness of the teacher satisfactory, could be made even by a tyro in school management or the study of English. Under the English Revised Code a capitation allowance is made for mere attendance. I object to this. The plan which I suggest is I think a better one, because, besides pre-eminently encouraging regularity of attendance, it particularly recognises the principle that payments shall be made only for results; and it brings local influence and local agencies into active play, even in the determination of part of the teacher's salary.

Classification salary.

129. The irregular attendants form a large proportion of the pupils of the Trinidad schools, 26½ per cent. of the pupils making under 30 attendances in the course of a year. To recompense the teacher for his care of these, as well as of the idle and the stupid, for the tuition of whom he can obtain little or nothing under either form of results' fees; and also with a view of conferring upon him an official individuality, I would grant a personal classification salary to the principal of each school. Even this, the third portion of the teacher's income, would to a great extent partake of the character of a results' fee for work of a collective nature; for instance, the general supervision and moral training of the pupils, the teaching of non-essential subjects, such as geography and singing, &c.

Grades of classification.

130. I would have three grades of classification. The salary of the first class I would fix at 150 dollars, of the second class at 125 dollars, and of the third class at 100 dollars. To female teachers I would give one-fifth less for classification salary; but in respect of fees I would make no distinction between them and schoolmasters. Of the 70 teachers, 15 would probably be in the first class, 25 in the second class, and 30 in the third class. The classification salaries would thus amount to about 8,000 dollars a year. The teachers' salaries under all three heads would then cost the State about 26,000 dollars a year, or, on an

Average salary.

average, 370 dollars (78 *l.* 1 *s.* 8 *d.*) for each teacher. Besides their salaries from the State, the teachers would receive the school-fees of the pupils. Of course the teachers of large and well-taught schools would receive considerably more than the average of 370 dollars. On the other hand, the teachers of small schools, as well as the teachers of badly-conducted schools, would have to be content with incomes much below the average.

Cost and increase.

131. To the teachers of the 35 public schools of the Colony 19,781 dollars a year are at present paid by the State. In salaries to the teachers of 70 schools I propose to expend 26,000 dollars a year, or an addition of only 6,219 dollars for an increase of 35 schools.

Details.

132. Numerous details occur to me, such as the question of the employment of assistant teachers; the programme of examination for the classification of teachers; the form of inspector's report, and the procedure connected with the examination of a school, the treatment of infant pupils, the checking of the school accounts, especially of the manager's quarterly reports, &c.; but the discussion of these topics would embarrass my report with so many technicalities that I must forego the expression of my views upon them.

Night school fees.

133. When night schools are established I would award their teachers half the amount of results' fees granted in the case of a day school, on condition that the schools be kept open for 100 nights in the year, and for two hours each night; also that each pupil for whom a results' fee might be claimed, should have made at least 50 attendances.

Unnecessary multiplication of schools.

134. I may add, that the system of payment for results would exercise a wholesome influence in preventing the unnecessary multiplication of schools. Small schools would produce small profits. Persons qualified to pass the examination for a public teachership would scarcely be content to undertake the teaching of schools which yield an inadequate remuneration. But even if schools were unnecessarily multiplied the State would lose only to the extent of the personal salaries of the teachers, because the results' fees would be paid upon the answering of the children individually, it being immaterial whether a child belonged to a school of a dozen or a school of 100. But even in regard to the personal salary of the teacher it might be provided that the teacher should have an average of at least 40, in order to be entitled to a first-class salary, an average of at least 35 to be entitled to a second class salary, and an average of at least 25 to

25 to be entitled to a third-class salary. It might further be provided that when the attendance falls below 25 the teacher shall be entitled to the results' fees only.

135. Excepting a few to which I have already referred, I examined all the non-endowed public schools in the colony; that is, the public schools unaided by the funds of the State. I visited 23 schools under Protestant clerical management, attended by 281 boys and 267 girls. I also visited 13 schools under Catholic clerical management, attended by 217 boys and 214 girls. In these non-endowed schools I met with 466 Protestants and 513 Catholics. Non-endowed schools.

The following are the salaries, school-fees included, of the Protestant teachers:—

	£.	£.		£.	£.
In 3 cases, from	10	to 15	In 1 case from	41	to 45
„ 2 „ „	16	„ 20	„ 1 „ „	55	„ 60
„ 5 „ „	21	„ 25	„ 1 „ „	60	„ 65
„ 2 „ „	26	„ 30	„ 1 „ „	100	
„ 1 case „	31	„ 35	„ 1 „ „	150	
„ 1 „ „	35	„ 40			

[No return in remaining 4 cases.]

The following are the salaries, school-fees included, of the Catholic teachers:—

	£.	£.
In 1 case under	10	
„ 4 cases from	10	to 15
„ 2 „ „	26	„ 30
„ 1 case „	31	„ 35
„ 1 „ „	60	

[No return in remaining four cases.]

136. The contrast between these salaries and those of the Ward school teachers is very remarkable. The teachers of the non-endowed schools are decidedly underpaid, yet in most cases they seemed happier and more contented than the Ward school teachers. This is easily accounted for. Many of them are religious enthusiasts who believe that they have a vocation to resist the secular influences of the Ward schools. Their fervour inspires resignation. Generally speaking, the secular instruction is unsatisfactory. The special reports in the Appendix will give your Lordship a general idea of the condition of these schools. If they enjoyed the advantage of official inspection, and the teachers were subject to the disciplinal influence of periodical examinations, the schools would soon become organised and the teachers efficient. Character of such schools.

With the words of their prayers and catechisms the pupils' heads are abundantly crammed; but of the meaning of those words very few have the slightest comprehension.

Were it not for the existence of the non-endowed schools, the children in many parts of the Colony would grow up without any education whatever. As instances, I may mention Tuna Puna, Tururé, Manzanilla, St. Sylvan's, St. Simon's (Claxton Bay), &c., &c.

137. During the 10 years ended December 1867, there were introduced into the Colony, at the public expense, 18,083 Indian, and 1,060 Chinese immigrants. It is estimated that, at present, the Asiatic immigrants number about 20,000—that is, upwards of one-fifth of the population. Trinidad rarely becomes the permanent home of the coolies. They first serve out their period of indentured apprenticeship, and then engage in various employments, or in trade. They make money, hoard it up, and in course of time return with it to India. In round numbers, the Immigration Department costs about 50,000 *l.* a year, or nearly a fourth of the revenue of the island. I have not at my command a statement of the number of coolies who periodically migrate back to India, or of the amount of money drained away from the island by such migrations. The number and the amount must be very considerable. Just as I was taking my departure from Trinidad, a ship lay in the Gulf of Paria—to be, in a few days, passengered by two or three hundred coolies who were going back to India. Coolie population.

The Agent-General of Immigration assured me that one of them was taking away with him a sum of 10,000 dollars, or upwards of 2,000 *l.* sterling. It is not for me to observe here upon the economic bearings of so momentous a question. But as nearly everybody whom I spoke to on the subject deplored the facts which I have mentioned, it occurred to me to inquire whether the educational arrangements of the island, in being unfavourable to a wholesome principle of colonisation, are in any manner answerable for the system. Coolies were first introduced into the island in the year 1845. A considerable proportion of them are married; and, unlike the creole coloured race of the Colony, they generally have large families. The coolie is exceedingly attentive and devoted to his children—contrasting, in this respect, very singularly with the creole; and, being highly intelligent and very cunning, he is able fully to appreciate the importance and value of education. But he is proud of his ancient lineage, is influenced by the prejudices of caste, and declines to associate intimately, or to bring up his children in the same school, with creoles of the African race. If, therefore, it be deemed desirable to educate the coolies, exceptional provisions and arrangements are indispensable.

Education of coolies neglected.

138. The new education system was established in 1851, but up to the present time no attempt whatever has been made to comprehend the coolies under its provisions. The ward schools, to be sure, were open to them; and in consequence of the purely secular character of these schools, the religious difficulty had apparently no existence. But the fact remains that the coolies have deliberately and persistently kept their children away from the ward schools. Indeed, I did not meet with a score of coolie children in all the ward schools of the island. Private philanthropy has done a little. Mr. Harry Darling, of Lothians—one of the most public-spirited, high-minded, and benevolent men in the Colony—tried the experiment of maintaining a coolie school on his estate. Owing, however, to a variety of causes, it unfortunately was not successful. The Rev. Mr. Morton, a Presbyterian minister, has established a school for coolies at Iere village. A brief account of my visit to it will be found in the Appendix. The Rev. Mr. Richards has tried the experiment at Newtown, Port of Spain, but, as my report shows, without any particular success. The Venerable the Archdeacon is also trying the experiment on the El Socorro estate. I do not regard the Coolie Orphan Home at Tacarigua as an evidence of the public desire to educate the coolies. The children of the Home are orphans cast upon the charity of the State. Their sustenance and education are, therefore, only a sort of poor-law necessity.

Facilities for establishing coolie schools.

139. Now, nothing could be easier than the establishment of a system of education embracing the coolies. They are massed together in large numbers on the different estates. On some estates the coolie population is considerable enough to constitute respectably sized villages. I became acquainted with the circumstances and resources of many such estates; as for instance—in the Naparimas, the estates of Beausejour, Concord, Wellington, Golconda, and Harmony Hall; in Pointe-à-Pierre, the estates of Concord and Bon Aventure; in Savanetta, the estates of Phœnix Park, Esperanza, and Providence; in Couva, the estates of Brechin Castle, Sevilla, Perseverance, Exchange, and Camden; in Aricagua, the estate of Aranjuez; in St. Joseph, the estate of St. Augustin; and in Tacarigua, the estates of Orange Grove and Macoya. Besides the estates just mentioned, and which are of more than average magnitude, there are many places in which the coolies could produce ample materials for the establishment of schools. The district of Cocorite, in which the Leper Hospital is situate, is one where most certainly there ought to be such a school. On the occasion of my visit to the Leper Hospital, the Catholic chaplain drew my special attention to this want. The Rev. John Morton, Presbyterian minister of Iere village, in a letter addressed to me, says:—

"The State should bring education as far as possible to the mass of the people. Is the ward school system not defective in this?

"The coolies are an important part of the population, and it is doing little for them. In some places there are children enough for two schools—one creole and one coolie. In such cases should not two schools be provided? In other cases might not two coolie schools be under one teacher, with short hours—one meeting in the forenoon and the other in the afternoon, and with such arrangements as might be made on estates at very little expense?"

140. Now

140. Now, the Government has exhibited a paternal solicitude for the physical wants and comforts of the indentured class of Asiatic immigrants: it has required that hospitals shall be provided for them on the estates; that medical attendance shall be every week at their service; and even—in compliance with an ordinance passed during my stay in the Colony—that cooked food shall be provided for them during the first six months after their allotment to an estate. But the solicitude of the Government ended here. The moral and intellectual necessities were overlooked. The coolie's mind was left a blank. No effort was made to induce him, through the awakening intelligence and dawning prospects of his children, to associate the fortune or the future of his family with the Colony. It is therefore that—collaterally, and I believe legitimately—I connect the magnitude of the periodical exodus of the Asiatics with the educational system, which fails to provide for their children acceptable schools. I cannot call to mind any other case of a people who, having voluntarily come to a strange land which they enriched by their labour, were—morally and intellectually—so completely neglected as the coolies have been during the past 24 years. Coolies neglected morally and intellectually.

141. My experience of the coolie mind was limited to the Tacarigua Coolie Orphan Home; the coolie schools of Rev. Mr. Richards and Rev. Mr. Morton; and the few coolie children I met scattered through the ward and borough schools. One of the cleverest children I fell in with in the Colony was a coolie boy in the borough (Town Hall) school, Port of Spain. Indeed, wherever I met with a coolie child who had been a reasonable time at school, I found him, in all the best qualities of the mind, to be immensely superior to the creole of African blood. In powers of discernment and reflection, the coolie ranks high, the creole low. The coolie possesses a tenacious and solid memory; the memory of the creole is uncertain and weak. The coolie can readily recognise the meaning and application of arithmetical processes; the creole is utterly unable to deal logically with numbers. The coolie's definitions or statements are off-handed and clear; the creole's are hesitating and obscure. In short, the coolie possesses, in a remarkable degree, those qualities in which the creole's mind is deficient. The coolie mind.

142. In flexibility and aptness, the mind of the female coolie is immeasurably inferior to that of the male coolie. The phenomenon is quite perplexing. The Rev. Mr. Richards, of the Coolie Orphan Home, who has had great experience of the coolies, remarked to me that he had observed the same striking disparity between the minds of the boys and those of the girls. The reverend gentleman added, that whilst the coolie boy, after quitting school, almost invariably turns out well, the coolie girl, unhappily, does the reverse. I may here mention that I observed no such disparity of mind between the male and the female creoles as that just referred to in the case of the coolies. Infinitely the best answering in arithmetic which I met with in the primary schools of the Colony was at the Girls' Model School, Port of Spain; but I attributed that more to the superiority of the teaching than to any mental excellence possessed by the girls over the boys. Disparity between minds of male and female coolies.

143. The adult coolie is by no means free from serious moral defects. It must be observed, however, that the State leaves himself and his family uninfluenced by any humanising agency except the mere administration of the law. But were the coolie children undergoing an efficient course of training at school, there might come into play, even upon the parents, a series of reflective influences inculcating a respect for truth and other virtues which are at present wanting in the coolie character. Examples are not unfrequent, even in England, of the family tone and discipline being improved by lessons brought home from school by little children. I therefore strongly urge the propriety of extending to the coolies an opportunity of participating in the advantages of the public system of education. Coolies should be educated.

144. I would recommend that the proprietors of estates should be encouraged to open schools for the special accommodation of coolie children. As regards salaries, religious instruction, &c., I would treat such schools in exactly the same way as the ordinary schools. The two fundamental principles characteristic of the proposed system of public education should be strictly applied to the coolie schools, viz. (1), they should be open to all comers; and (2), all comers should be protected from even the suspicion of proselytism. If the observance of these fundamental Recommendation.

fundamental rules were guaranteed, the coolie might then be safely intrusted with the secular and religious training of the children of his own caste.

The Board of Education.

145. Lord Harris, when founding the Board, said that he was making it larger than might appear advisable for practical purposes; but that it was as well, in the commencement, to have the opportunity of at once receiving suggestions from a considerable number of persons intimately acquainted with different portions of the community. The members of the Legislative Council were to be *ex-officio* members, and six other members were to be named by the Governor. The Legislative Council at that time probably consisted of about 12 members; so that the original idea of the constitution of the Board was that there should be about 18 members, exclusive of the Governor.

The Board at present consists of—

1. His Excellency the Governor, President.
2. The Honourable C. W. Warner, C.B., Attorney-General, Vice-President.
3. The Honourable J. S. Bushe, Colonial Secretary.
4. The Honourable H. Mitchell, M.D., Agent General of Immigrants.
5. The Honourable Frederick Warner.
6. Mr. Justice Bowen.
7. H. Deighton, Esq., Principal of the Queen's Collegiate School.
8. H. W. Caird, Esq., Principal Assistant Master of the Queen's Collegiate School.
9. J. Driggs, Esq.

The above nine are members of the Church of England, and the following three are Roman Catholics:—

10. The Honourable George Garcia, Solicitor General.
11. Mr. Justice Fitzgerald.
12. M. M. Philip, Esq., Mayor of Port of Spain.

The Secretary is R. J. L. Guppy, Esq., who is a member of the Church of England.

The Mayor of Port of Spain and the ex-mayor are *ex-officio* members of the Board.

At present Mr. Philip represents both these functionaries, whilst, in his private capacity, he is himself a member.

His Excellency the Governor was pleased to honour me with a seat at the Board, but with my departure from the island my membership necessarily ceased; so that I deal with the Board as a body of twelve members, of whom nine are Protestants and three are Catholics.

Considerations connected with composition of Board.

146. The census of Trinidad for 1861 does not distinguish the numbers of the various religious denominations then composing the population. The census of 1851, however, shows that in that year the Christian population consisted of 64,013, of whom 43,605, or more than two-thirds, were Catholics. It was stated to me that, during the 18 years that have elapsed since the enumeration from which I have quoted was taken, the proportion of Catholics to Protestants has been altered by the immigration of considerable numbers of creoles from Antigua and Barbados, where the population is chiefly Protestant. On the other hand, the leading Catholics whom I have consulted maintain that the proportions of '51 are still sustained. The effect, however, of any numerical preponderance of Catholics upon the adjustment of educational affairs is resisted by the Honourable Charles Warner, Attorney General, who says:—

"They (the Catholics) may be a majority in numbers; but, painful as it is to challenge such comparisons, I deny that the majority of property and intelligence is with the Roman Catholics."—(*Vide* enclosure in Despatch No. 9, of the 8th January 1868.)

As regards property, the Honourable George Garcia, Solicitor-General, comes to a different conclusion: for, in an elaborate statistical paper which he kindly prepared for me, he shows that six-elevenths of the wealth of the island are possessed by Catholics. The criterion which determines relative intelligence is a matter of too delicate a character to submit to investigation. When, however, revolving this unpalatable topic in my own mind, I could not overlook the fact that,

that, of the boys whom I found attending upper class schools in Port of Spain, 128 were Catholics, and only 61 Protestants.

Public confidence.

147. In support of the propositions which I am about to make, I require to consider nothing more than the fact that public confidence in the Board is essential to the success of the educational system. Without public confidence there is no moral power in any organisation. It is the heart's blood of a community; the natural fruit of an equality of privileges.

Board to consist of an equal number of Catholics and Protestants.

148. I accordingly recommend that, at the very fountain of the system, public confidence be secured by the establishment of a Board consisting of an equal number of Catholics and Protestants. It is clear, from what I have already said, that the Protestant section of the community could have no ground of complaint with this arrangement; and, from observations in the Archbishop of Port of Spain's petition to his Excellency the Governor, on the subject of education, I conclude that the Catholics would be entirely satisfied with it.

Representative capacity.

149. I would further desire to see each member a representative man, an interpreter of the views and an exponent of the principles of the Church to which he belongs. I would therefore invite the Archbishop of Port of Spain to submit to the Government a number of names for selection, say twice as many as the number of Catholic seats to be filled at the Board; and, similarly, I would invite the Bishop of Barbados or the Archdeacon of Trinidad, on the part of the Protestants, to submit a corresponding list of names.

From such lists the Government should select the members of the Board.

Number of members.

150. The number of members constituting the Board is an important consideration. I think that 12 would be a good working number, large enough for a comprehensive representation, and small enough for the patient transaction of business. The meetings should be regularly and frequently held. Even if there were no special business to be transacted, a periodical meeting of the members would be useful. The perusal of the inspector's reports would in such cases, be an available resource; and, as education is inexhaustible in its details and application, the matter of every report would probably afford ample material for salutary discussion.

Meetings.

151. Once a month would, I think, be often enough for the meetings. In his instruction to the members of the original Board, Lord Harris laid down that "there should be a general meeting of the Board once a fortnight." He intended the Board "to have for its object," as he said, "the consideration of the various circumstances referring to the subject of education;" and he directed it to report on the subject to the Governor, and furnish recommendations for his consideration and adoption. Had the Board, in compliance with these instructions, met as often as was proposed, and deliberated upon the effects of the system it was administering, the imperfections which, in this report, I regret to have to dwell upon so much, might have been avoided or rectified.

Inactivity of Board.

152. But the Board, I am afraid, allowed the system to crystallise before any appreciable consideration had been bestowed upon the form which, under the light of experience, it should eventually assume. Infants' schools were to have been established; evening schools opened; lending libraries instituted; industrial instruction imparted; the sciences that aid mechanical and industrial developments were to have been cultivated; books specially adapted to the colony were to have been written; and the means and opportunities for obtaining instruction were to have been afforded to every child in the island. But none of these things have been accomplished; scarcely one of them has been even attempted. I have read the minutes of the Board, and I do not find that its members have ever addressed themselves to the various projects which Lord Harris recommended to their consideration. Now, it is to be borne in mind that neither managers nor local committees were called into requisition. The Board directly and exclusively managed the 30 ward schools, the two model schools, and also the Queen's Collegiate School. These schools are scattered all over the island. The teachers are appointed, promoted, depressed, rewarded, &c., by the Board. Every detail of management and superintendence is vested in it. Its secretary is the inspector; it controls an expenditure of 8,800 *l.* a year; yet the members meet but rarely; Lord Harris's instruction that they should meet fortnightly is completely disregarded. If the Board's minutes exhibit an accurate record of its

its meetings and proceedings, it would appear from a review of the last five years, for example, that in 1864 there were only four meetings; in 1865, only one meeting; in 1866, only one meeting; in 1867, only three meetings; and in 1868 only four meetings; just half the number of meetings in five years that Lord Harris intended to be held in one year. Even during the current year there had been, up to the 8th of April, the day of my departure from the island, only two meetings of the Board.

To meet once a month.

153. If the re-constructed Board should meet, as I have suggested, once a month, the public requirements would, I am sure, be amply satisfied.

Inspector of schools.

154. The Inspector is R. J. Lechmere Guppy, Esq., F.G.S., F.L.S., who also acts as Secretary to the Board. His salary is 500 *l.* a year, including his travelling expenses. He visits the Ward, Borough, Model, and Normal schools, and superintends the annual Cambridge local examinations in connexion with the Queen's Collegiate School. His reports are inscribed in a book which he keeps for the purpose. These reports are not submitted or addressed to anyone; but they are liable, I presume, to be examined by the Board and the Government. Mr. Guppy is master of his own arrangements, and furnishes no journal or weekly report of his proceedings to the Board. He has held his present position since the 1st of June 1868. From that time to the end of March, a period of ten months, he has, I find by an examination of his school register, been 90 days engaged in the actual inspection of schools, examinations, &c., &c.; that is, on an average, 9 days a month. Thirty-four of the 90 days were spent on duty connected with the schools of Port of Spain.

Travelling expenses.

155. I am of opinion that the practice of including the travelling allowances in the general salary of a public officer is a mistake. It is much better to give an adequate salary; to pay the locomotive expenses actually incurred; and to make an allowance for personal expenses when the officer is absent at night from home.

A second inspector may be necessary.

156. Should a considerable increase in the number of the schools result from a re-organisation of the system of public education, a second inspector would be required. In that case the colony might be divided into two districts—the northern, having its head-quarters at Port of Spain; and the southern, having its head-quarters at San Fernando.

Inspections.

157. Every school should be inspected at least three times a year.

Secretary.

158. The Board of Education should have a secretary—to communicate with the managers, to receive the reports of the inspector, to prepare the business for the Board's meetings, &c. The inspector should not, I think, be the secretary. If the duties were not heavy enough to absorb the whole of the secretary's time, the Government might impose upon him additional duties in some other department.

Want of hotels.

159. In consequence of the difficulties of locomotion and the want of hotel accommodation, I would strongly recommend, with a view to an efficient inspection of the schools, that, at the Police Stations of Arima, Mayaro, the Mission (Savanna Grande), San Fernando, and Cedros, there should be a spare room for the accommodation of the inspector of schools. The wife of the constable might have the care of the room, and undertake the necessary cooking, &c., at a fixed charge, to be paid by the inspector. Other public officers might avail themselves of the same accommodation, and the arrangement might thus be productive of advantage to the public service generally.

Want of roads.

160. The observations which I have just made as to the want of hotel accommodation, show that the impediments to the spread of education in Trinidad are not confined to the apathy of the people, to the unsatisfactory qualifications of the teachers, to the unattractiveness of the schools, to the irregularity in the pupils' attendance, or even to the most pressing defect of all—the want of local management. "The road must precede the schoolmaster" is an aphorism of the Governor's. The want of roads is, indeed, a most serious impediment to the spread of education. It would be impossible to exaggerate the gravity of this consideration.

Squatting.

161. The next external impediment is the unsettled condition of many parts of the

the country. Squatting is unfavourable to peaceful government, to the spread of religion, and to the diffusion of education. Three-fourths of the surface of the island remain unoccupied by recognised proprietors. Accordingly, next to the making of roads, the settlement of wild districts is an element of vital importance in connexion with the education of the people.

Police.

162. The police arrangements are admirable. To the Inspector-Commandant, Lionel M. Fraser, Esq., I am much indebted for various facilities which I experienced in my journeys through the colony. I have just suggested how the police regulations might be made ancillary to an effective inspection of the schools. I believe that an extension of the police organisation, by aiding in the suppression of squatting, by favouring the settlement of remote places, by securing order, and inspiring public confidence in the Government, would materially aid in promoting the establishment, on a permanent basis, of a flourishing system of education.

The Governor.

163. The Governor has, I know, all these important projects under consideration; but it is not, I trust, irrelevant to allude to them here, or, in the interests of education, to suggest promptitude in their execution.

Second part of inquiry.

164. The second part of my inquiry related to the education of the middle and upper classes.

Collegiate establishments.

165. I found two distinct collegiate establishments in operation—one called the Queen's Collegiate School, projected, managed, and supported by the State; the other called the College of the Immaculate Conception, founded and supported by the Catholics of the colony. I shall, I think, best fulfil my instructions by describing in detail each of these institutions. I begin with the—

Queen's Collegiate School.

Queen's Collegiate School.

166. i. In a message to the Legislative Council, delivered on the 1st of February 1847, Lord Harris said that his education plan "would be rendered complete by the establishment of a college, to which those scholars who might be found fit might be passed on, so that, in fact, every encouragement would be given to all, however humble their birth, to place themselves in such a position as their talents and their industry would show them capable of supporting."

ii. In 1851 Lord Harris launched his plan of primary education; but in it he comprehended neither the college just referred to, nor a scheme which he also sketched in his message of 1847, of "district schools of a superior sort, in which those who excelled in the primary schools might receive still further opportunities of improving and distinguishing themselves."

iii. The question of establishing a college remained in abeyance until the time of Governor Keate, who assumed the Government in 1857. On the 2nd September in that year, the Board of Council passed the following resolutions:—

1. "That in order to place within the reach of the youth of the colony the opportunity of obtaining a classical education at a moderate charge, there be established in the town of Port of Spain, at the public expense, a collegiate school.

2. "That such collegiate school be open to students of any religious denomination, and that there be no direct religious teaching; but that attendance at some place of worship be the condition of admittance to, and continuance at, such collegiate school.

3. "That for the purpose of encouraging emulation among the students, there be annual public examinations, and that the two successful candidates for honours at such examinations be entitled to exhibitions, each of 150 *l.* for three years, to assist them in prosecuting their studies in Great Britain or Ireland.

4. "That such collegiate school be under the superintendence of the Board of Education, and that the Governor, with the advice of such Board, have power from time to time to make rules for the government of such collegiate school; such rules to be approved by the Board of Council before they are put in force.

5. "That for the purpose of maintaining such collegiate school there be charged annually on the public funds the sum of 3,000 *l.* sterling, and that the income from the fees from students be paid into the Colonial treasury."

IV. Although the resolutions I have quoted were passed in September 1857, it was not until Easter 1859 that the school was formally inaugurated.

V. The Legislative Council having prayed Her Majesty to permit the school to be called "The Queen's Collegiate School," Her Majesty was graciously pleased to accede to the prayer.

VI. Having no public building available for the accommodation of the school, and not being prepared to incur expense in the erection of a suitable establishment, the Government rented at 200 *l.* a year the premises in which the school is at present held.

VII. It would be difficult to conceive any more unsuitable or more uncomfortable house for school purposes than that which was selected. The site is bad. The public street is at the very door. Every passing carriage is heard within. The sun's rays are intercepted by no system of verandahs or shading trees. In the wet season the exposure must lead to inconvenience and interruption. There are three school-rooms, none of them either cheerful or comely, and the furniture appears to be ill-assorted and ungainly.

VIII. Mr. Calvert, of St. John's College, Cambridge, was the original principal, but he resigned before the school had been a year in operation. In March 1860, Mr. Calvert was succeeded by the present principal, Mr. Horace Deighton, A.M., F.R.A.S., Senior Scholar and Prizeman of Queen's College, Cambridge; 21st Wrangler; 2nd Class Honour Moral Science Tripos. Mr. Deighton is a member of the Church of England. His salary is 700 *l.* a year, and an allowance for house rent.

The second master is Mr. H. W. Caird, A.M., Exhibitioner of Oriel College, Oxford; 1st Class in Physical Science. Mr. Caird also is a member of the Church of England. His salary is 500 *l.* a year. Mr. Caird's appointment dates from March 1859.

The assistant master is Mr. J. Perse Lambert, A.B., Q.U.I., Junior Scholar 1858 to 1861, and Senior Scholar 1861 in Queen's College, Cork; Honours in Latin, Greek, and English Language and Literature. Mr. Lambert's appointment dates from May 1866; he is a Roman Catholic. His salary is 300 *l.* a year.

The French master is Mr. Van Schalkwyck; the Spanish and writing master is Mr. Paul. Mr. Van Schalkwyck and Mr. Paul are both Roman Catholics.

IX. One of the rules of the school forbids the admission of illegitimate children; but I was given to understand that the rule had been recently relaxed.

X. The school fees are—

	£.
For one pupil	15 a year.
For two of the same family	12 a year each.
For three or more of the same family	9 a year.

The fees are paid directly to the Government.

The resolution, passed in September 1857, of the Board of Council, in justification of the foundation of a collegiate school, professes that the object in view was "to place within the reach of the youth of the colony the opportunity of obtaining a classical education at a moderate charge." Now, "the youth of the colony" could never have had reference simply to the youth of the wealthy classes of the colony; and in the case of a poor man who is the father of a youth desirous of a classical education, the term "moderate charge" can assuredly not apply to a fee of 15 *l.* per annum. In such a case the term "moderate" is certainly misapplied. But even to the well-to-do people of the colony such a fee must be looked upon as high. Poor and rich know that besides paying the "moderate" fee, they are contributing, in the general taxation, to the maintenance of the school.

Queen's Collegiate School.

I visited the grammar school of the neighbouring colony of Grenada, and found that the fortunes of the school had been very seriously influenced by the imposition of a high rate of fees. The scale ranged from 4 *l.* to 8 *l.* a year, fees which the Special Commission, appointed in the year 1866 to inquire into the state of the grammar and normal schools, pronounced to be higher than most persons in the community are able to pay. The attendance in consequence had fallen down to seven pupils on the 31st of December 1866. The Commissioners suggested a reduction in the rates, which now range from 2 *l.* 10 *s.* to 6 *l.* 5 *s* a year. With the adoption of the new scale, the attendance at once increased, and at the close of 1867 it had reached as high as 26.

XI. The governor has the right of granting free places to the children of deceased public servants who may have left their families in straitened circumstances. Up to the present time 19 free places have been granted: 13 of the pupils occupying those free places are still in the school; 11 of them are the sons of civil servants, and two are the sons of a Protestant rector. Of those who are the sons of civil servants, eight are Roman Catholics.

XII. The year is divided into three terms. The first term commences on the third Monday in January, and ends on the Saturday before Passion Week. The second term commences on the fifth Monday after Easter Monday, and ends on the last Saturday in August. The third term commences on the second Monday in September, and ends on the third Saturday in December.

XIII. The following is the number of pupils in attendance in the first term of each year since

since the opening of the school, with this exception, that in the case of the first year, 1859, the number refers to the *second* term:—

Year.	Number of Pupils.			
	Church of England.	Other Protestant Denominations.	Roman Catholics.	Total
1859	24	1	9	34
1860	30	5	14	49
1861	31	4	17	52
1862	39	6	14	59
1863	32	9	20	61
1864	32	6	13	51
1865	34	5	11	50
1866	34	4	14	52
1867	38	4	16	58
1868	46	5	21	72
1869	47	4	17	68

XIV. The total number of pupils who have entered the school during the 10 years of its operation is 206.

XV. The school is divided into three classes, each occupying a separate room. In the first or senior class there are 21 pupils, whose average age is 14·8 years; in the second class there are 24 pupils, whose average age is 12·2 years; and in the third class there are 23 pupils, whose average age is 9·9 years.

XVI. The average age of the 68 pupils is 12·2 years.

XVII. Averages are so illusory when the extremes are widely asunder, that I think it right to add the following detailed statement of the ages of the pupils:—

7 years of age	-	1 pupil.	
8 „	-	3 pupils.	
9 „	-	8 „	
10 „	-	4 „	
11 „	-	12 „	
12 „	-	11 „	
13 years of age	-	9 pupils.	
14 „	-	5 „	
15 „	-	4 „	
16 „	-	7 „	
17 „	-	4 „	

XVIII. The curriculum, as laid down in the rules of the school, embraces English, French, German, Greek, Latin, history and geography, arithmetic, algebra, geometry, physics, mechanics, chemistry, and natural science.

XIX. Of these subjects, however, the following are not taught: German, physics, chemistry, and the natural sciences (with the exception of geology).

XX. Spanish has been added to the course, and is at present taught.

XXI. When Mr. Deighton took charge of the school in 1860, he found only three or four boys who could construe Cæsar's Gallic War, only one who had begun Greek, and none who knew anything of Euclid or algebra.

XXII. Since 1862, some of the pupils of this school have been examined annually, under the provisions of the syndicate appointed by the University of Cambridge, to conduct the examination of students not members of the university.

XXIII. These examinations are, I understand, of a searching and solid character, and so devised as to reduce to a minimum the factitious advantages of mere cramming.

XXIV. The subjects of examination are, a preliminary course, embracing reading, dictation, English grammar, arithmetic, history, geography, and English composition; and a higher course, embracing religious knowledge, English, Latin, Greek, French, German, mathematics, zoology, botany or geology, drawing and music.

XXV. The boys of the Queen's Collegiate School are not put forward for examination in religious knowledge, German, chemistry, zoology, botany, drawing, or music.

XXVI. Preparation for the examination in the other subjects is the basis, the predominant characteristic, of the course of studies pursued in the school. The portion of history, the plays of Shakespeare, the books in Latin and Greek, the authors in French, and the branches of mathematics prescribed by the university authorities for the examination, are the groundwork and scope of the instruction in the second and third terms of each year. Even the business of the first term is directed, by anticipation, towards the same object. Masters and pupils seem to be alike animated by an enthusiastic determination to exercise all their energies and employ all their resources to produce creditable results at those examinations.

XXVII. The examinations held last December embraced, for the senior students, the History of England from 1625 to 1649; Shakespeare's "Merchant of Venice;" Cicero, "Pro Milone;" Horace, Epistles, book i.; translation from English into Latin; Thucydides, book vi. 1–51; and Æschylus, "Prometheus Vinctus;" Corneille's "Cid," and Michelet's

"Charles le Temeraire;" translation from English into French; Euclid, books i, ii., iii., iv., vi., and xi. to prop. 21; Algebra; Plane Trigonometry; and the simple properties of the Conic Sections.

XXVIII. In the case of the general body of the students examined in December last, the total failures amounted to 29 per cent. amongst the juniors, and to 32·7 per cent. amongst the seniors.

XXIX. Seven pupils entered from Queen's Collegiate School, six seniors and one junior. None failed. Four of the seniors obtained the second class, and one the third class, of honours; and the remaining senior student obtained a pass.

XXX. Two of the students were distinguished in English, three in Latin, one in Greek, one in mathematics, and two in French.

XXXI. The general result shows that 31·3 per cent. of the seniors passed in honours, whilst the per-centage of the Queen's Collegiate school-boys of the senior division who passed in honours was 83·3.

XXXII. With regard to this competition the boys of the Queen's Collegiate School labour under a great disadvantage in being excluded from the section "*religious knowledge*," in which, I have been led to understand, the marks are as high as those given for Latin and Greek together. This may, perhaps, serve to account for the fact that none of the boys succeeded in winning a first-class honour. I find, however, that in former years, four boys at different times carried off first honours, and that one of them obtained the first class on two different occasions.

XXXIII. In 1866, the first place in Latin and Greek was obtained by a pupil of this school.

XXXIV. During the six years ended in December 1868, 25 different boys of this school obtained certificates: some succeeded once only; some succeeded twice; some three times; and some four times. On an average, each succeeded 1·76 times, so to speak; and the average number of boys certificated yearly was 7·3, or about one in eight on the average attendance of the six years. I consider this a very satisfactory measure of success.

XXXV. In their reports to the syndicate the examiners from time to time speak very approvingly of this school. For instance, the examiner in Latin and Greek for the year 1865 says: "There was a marked difference in the style of the papers at the various centres. I might mention Gravesend and Torquay as particularly bad, Liverpool and Trinidad as very good." Respecting the examinations held in December last, the syndicate reports that in pure mathematics the Trinidad boys have beaten all competitors.

XXXVI. In connection with the plan of the Cambridge local examinations, in which the pupils can gain only honours, and the school only *eclât*, there is in operation a scheme of exhibitions of a very valuable character. A sum of 900 *l.* a year is available for the maintenance of six exhibitions of 150 *l.* each, tenable for three years at a university in Great Britain or Ireland; and these exhibitions are determined by the position gained by the pupils in the Cambridge examination held in the December of each year. No boy is qualified to gain a university exhibition who has not been a pupil at the school during the nine terms immediately preceding the examination, and who has not passed his 17th birthday. A minor exhibition of 50 *l.* is awarded to any younger boy who gains the position that would entitle him to the exhibition were he of the required age; but this minor prize is awarded only on condition that he shall remain at the school, and compete at the following examination; and it is not payable until he is about to proceed to Great Britain or Ireland, to enter one of the universities.

XXXVII. Up to the time of my visit, five exhibitions of 150 *l.* a year each had been awarded, but one of them had lapsed; the lad who had won it having died before he could sail for England. Four of the boys obtained the prize with first-class honours, and one with second-class honours. I think it a mistake to confer so valuable a prize upon any but a first-honour boy.

XXXVIII. In the observations which I have made, I have assumed, and I certainly have no reason to doubt, that the Cambridge local examinations have been honestly conducted.

XXXIX. It would be irrelevant to the purpose of this report to discuss the policy of concentrating upon an enterprise of the limited scope and dimensions of the Cambridge examinations, so much of the energy and so many of the aspirations of the community. The subject, however, is one deserving of grave consideration.

XL. During the two days of my inspection of the school, I was able to acquire a thorough knowledge of the routine of the business; the method of teaching, the capacities of the boys, and the efficiency of the teachers.

XLI. The school hours are, on Mondays, Tuesdays, Thursdays, and Fridays, from 9 to 12, and from 1 to 4 o'clock; on Wednesdays and Saturdays from 9 to 12 o'clock.

XLII. (*a.*) The junior school, or third class, consists of 23 pupils, who are subdivided into two divisions; the lower composed of nine, and the upper of 14 pupils. The oldest pupil is 16, and the youngest seven years of age. The average age is 9·9 years. Mr. Lambert is the master. Of the pupils,—

Nine are in their first term.
One is in his second ,,
Two are in their third ,,
Ten are in their fourth ,,
And one is in his tenth ,,

(*b.*) The

(*b.*) The eighth rule of the school prescribes that no child shall be admitted who fails to pass an examination, to the satisfaction of the principal, in reading, writing, and spelling; but this rule is not rigidly adhered to. At present there is in the school at least one child whose acquirements are below the standard.

(*c.*) The business of this class corresponds with that of the junior department of any well-organised school. Reading, writing, arithmetic, grammar, geography, and the rudiments of French and Latin, constitute the course.

(*d.*) Reading is admirably taught. Much attention is given to the recitation of poetry. At the end of the reading lesson an examination upon its subject-matter takes place. This examination is skilfully conducted, and is kept in proper harmony with the intelligence and years of the pupils. Gleig's "History of England" is used as a class reading-book.

(*e.*) Writing is well taught.

(*f.*) As is the case in the elementary schools of the Colony generally, the proficiency in arithmetic is low. Only two boys out of 23 were as high as the compound rules.

(*g.*) In spelling and dictation, also, the proficiency is rather low. In writing the names of the days of the week, and the sentence, "The height from the floor to the ceiling is 13 feet," the 12 senior boys made, each, an average of four mistakes in spelling.

(*h.*) In geography the answering was fair. The pupils, without difficulty, pointed out on the map the different countries, &c., of Europe; but the British possessions in Europe were not shown with the same readiness.

(*i.*) French is taught by the French master, to whom the boys go in twos and threes at different hours of the day. Although connected with this school since August, 1862, the French master is unable to speak English. He is very successful; but how he commands success in the face of the difficulty I have just adverted to is, to me, a mystery.

(*j.*) In Latin, Smith's "Principia Latina" and Frost's "Eclogæ Latinæ" are the extent of the instruction.

(*k.*) The discipline is very good. The manners and deportment of the boys are exceedingly satisfactory.

(*l.*) Removals from this to the middle school, except under very exceptional circumstances, are made only in the beginning of the year.

(*m.*) Mr. Deighton holds a weekly examination of the school.

(*n.*) The estimate I formed of this class is, that in general intelligence, and the knowledge suitable to the years of the boys, it is equal, except as regards arithmetic, to the average of junior schools in Great Britain or Ireland.

XLIII. (*a.*) The middle school, or second class, consists of 24 pupils, who are subdivided into two divisions of 12 pupils each. The youngest pupil is 10¾ and the oldest 16½ years of age; the average age is 12·2 years. The master is Mr. Caird. Of the pupils,—

1	is in his first term in the institution.	3	are in their ninth term in the institution.
1	„ third „ „	1	is in his tenth „ „
10	are in their fourth „ „	2	are in their twelfth „ „
2	„ seventh „ „	1	is in his thirteenth „ „
2	„ eighth „ „	1	„ fourteenth „ „

The average is nearly seven terms for each.

(*b.*) The business of this school is a development of that of the junior school, with, in addition, the rudiments of Greek, and, for some pupils, Spanish.

(*c.*) The reading is very fair. The difficulties encountered in the teaching of it, owing to the different languages in common use at the homes of the pupils, are very great, yet the articulation is distinct, and in most cases the accent is good; the matter of the lesson was rather above the pupils' comprehension.

(*d.*) The writing is admirable, the system pursued being that of Darnell. Mr. Paul, the Spanish master, has charge of the writing classes.

(*e.*) In arithmetic the boys displayed an average amount of smartness and accuracy. An exercise of seven lines, in addition of money, was accurately worked by 11 out of the 22 boys who attempted it.

(*f.*) For dictation I gave this exercise:—

> "During the months of January, February, April, and September, the weather in some climates is boisterous or squally, and in other climates exceedingly humid and changeable."

The average number of mistakes in spelling made by 22 boys in the writing of this sentence was 2½.

(*g.*) The Latin book of the class is Wright's "Seven Kings of Rome," a collection of easy extracts from Livy. Mr. Caird's method of teaching is highly intellectual and effective. Every sentence is analysed, and every word assigned its proper position on the black board. If any fault at all were found it could only have reference to the prolonged and rigorous strain on the mental powers which a 30 minutes' lesson in this method necessarily imposes, especially upon beginners, yet the mechanical work connected with the black board is, to some extent, a relaxation of this strain. A few of the boys certainly appeared to be quickly fatigued and to grow listless, but the general effect on the class was animating, indeed almost inspiriting. Mr. Caird is an enthusiast, his energies appear to be inexhaustible; his

his indifference to his own ease or comfort is quite surprising; besides, he has a natural aptitude for demonstration, hence this analytical system could not fail to succeed under his tuition; with a less sanguine or less anxious, although equally careful and conscientious teacher, it might prove an utter failure.

(*h.*) The Greek grammar is begun in the senior division of the class.

(*i.*) English and Roman history are taken up as reading exercises.

(*j.*) Discipline and general demeanour excellent.

The notion is very general that a clever man would spurn the drudgery of teaching elementary things, and that if he attempted it he would be sure to fail. Now, this school affords a very interesting illustration of the groundlessness of such an opinion; for Mr. Caird is both clever and accomplished, and, without any airs of condescension or humility, he pursues most energetically and devotedly the humblest duties connected with teaching, with, I cannot hesitate to acknowledge, a very reasonable measure of success.

XLIV. (*a.*) The head school, or first class, consists of 21 pupils, subdivided into a higher division of eight, and a lower division of 13 boys. The youngest boy is 12, and the oldest 17 years of age. The average age is 14·8 years. The principal himself undertakes the special tuition of this class. Of the pupils,—

1	is	in	his	sixth	term	in	the	school;	
2	are	in	their	seventh	„	„	„		
2	„			ninth	„	„	„		
3	„			tenth	„	„	„		
1	is	in	his	eleventh	„	„	„		
1	„			twelfth	„	„	„		
1	„			thirteenth	„	„			

1	is	in	his	fourteenth	term	in	the	school;	
1	„			fifteenth	„	„	„		
1	„			nineteenth	„	„	„		
1	„			twenty-first	„	„			
2	are	in	their	twenty-second	„	„			
2	„			twenty-fifth	„	„			
2	„			twenty-seventh	„	„			

(*b.*) The course in this class has special reference to the requirements of the Cambridge examinations. Seven of the boys in the higher division are those who were presented for examination last December. The remaining boy of this division has been 25 terms in the school, but I have not the means of saying whether he ever obtained a certificate from the university examiners.

(*c.*) I have carefully investigated the routine of the lessons and the general organisation of the classes. The routine is skilful, and the general organisation judicious. No one is ever idle. If not immediately under tuition, the boys are engaged at the desks, pursuing some scientific investigation, or writing some exercise in Latin, Greek, or French; or working upon paper some series of questions in mathematics. Even at home the work of the boys is incessant. Those in the senior division, besides coming prepared in the set business of each day, have to bring with them to school a Greek exercise every Monday and Friday; a Latin exercise every Tuesday, Thursday, and Saturday; six miscellaneous examples in arithmetic every Wednesday, an algebraical exercise every Saturday, and an English composition exercise every Monday. I have now before me, as I write, a set of those exercises which, in ordinary course, had been intended for Mr. Deighton's eye only, and which fell into my possession in a purely incidental manner. The style of the exercises surprises me. The penmanship is finished, the notation of mathematical signs and formulæ is as clear as print, and the matter itself is succinctly and logically expressed. One of the Latin exercises which I examined was a prose composition. The language in nearly every case was good, and the construction grammatical. In a few instances, to be sure, there were errors; but that which struck me most, the theme being the same for all, was the variety of suitable treatment and appropriate words which the several exercises exhibited.

(*d.*) The junior division of the class had Xenophon for the oral lesson of the day. The answering showed a fair facility in translation and a pretty ready acquaintance with the Greek grammar. Those who learn Greek do not learn Spanish.

(*e.*) In the senior division the business of the day in Latin was an oral translation of part of the first book of Livy; some had previously read the 21st book. In general the character of the translation was good. In the case of one boy, however, I was completely astonished by the masterly English in which, and the eloquent readiness with which he translated some passages. The classical system of the school is based upon sound principles. Its object is to inspire a genuine appreciation of the great ancient writers.

(*f.*) In geometry the proficiency is fair; the important practice, however, of expressing a demonstration in general terms has not been even partially adopted. I tried the seniors with a deducible; most of them set about it pretty intelligently, and three of them were successful.

(*g.*) Mr. Deighton gave the seniors a lesson in mechanics in my presence. It would be difficult for me to express my admiration of his manner, his method, his clearness, his impressiveness, and his skill in parcelling out the lesson into well-defined and lucid stages. A better specimen of sound and fruitful teaching I have never witnessed. His style is not showy, but it is deliberate. In his instruction there is no glitter, no shallow amplification, no gliding over the substance or the essence, no hollowness, no want of earnest aim and honest purpose.

(*h.*) The Latin and Greek books of the year are determined, as I have mentioned, by the requirements of the Cambridge local examinations. The ordinary course, subject to modifications

fications to suit the Cambridge programme, embraces, in Latin, Cæsar, Sallust, Juvenal, Virgil, Horace, and Ovid; and in Greek, Homer, Herodotus, Xenophon, Demosthenes, Thucydides, &c.

(*i.*) The higher division of this class may advance a legitimate claim to the title "collegiate." In every sense, at least seven of the boys are up to the mark of college students; the remainder, however, belong to the common run of school-going, school-aged, and school-conditioned children.

XLV. The table which I have compiled, showing the time spent in the school by each pupil, suggests many interesting considerations. In the junior school some are in their first term, and one is in his tenth. In the middle school one is in his first term and one is in his fourteenth. In the upper school one is in his sixth term, and two are in their twenty-seventh. Perfect classification, having such extremes to deal with, must be a difficulty. I cannot understand why there is not, so to speak, a greater crop of advanced boys, seeing that the school has been 10 years in existence, unless the reason be found in the well-known repugnance which youths of 16 or 17, on the verge of manhood, have to an association with mere children as school companions and competitors. Indeed age is held forth in the rules as a barrier to the pursuit of learning within the walls of the school, for it is laid down that "no pupil shall continue at the school after the end of the term in which he shall attain the age of 19 years."

There are only eight boys who have been in the school more than five years. Some, it is true, have gone to England, four as exhibitioners; but the question suggests itself, why is this number so low as eight?

XLVI. At the end of the third term of each year a public examination of the pupils is held, and a premium awarded to the best boy in each class. The first place is determined by a combined consideration of the marks obtained throughout the year, and those obtained at the final examination. Standard works are selected for the prizes. Those given last year were,—

First Class - -	Whewell's History and Philosophy of the Inductive Sciences.
Second Class -	Hallam's Literature of Europe.
Third Class - -	Scott's Poetical Works.

XLVII. I cannot avoid observing that the æsthetical element is singularly overlooked. Neither music nor drawing is taught. The principal desiderated the latter very much; but a former governor, himself an amateur in art, declared that drawing was an affair of intuition. He accordingly declined to sanction the employment of a master of the subject. I received no explanation as to the exclusion of music. Again, the physico-scientific element is strangely in the background. There is no laboratory, no apparatus to illustrate the physical sciences. There is no museum of geology, although Mr. Caird gives instruction in the science. The walls are destitute of charts of natural history and natural phenomena. There are no diagrams of machinery, or illustrations of discoveries. In short, an English village school would exhibit more of the appliances of education than this collegiate institution.

XLVIII. I have made the following analysis of the professions, &c., of the fathers of the boys:—

(*a.*)	Sons of members of the public service - - - - -	28
(*b.*)	„ „ rectors - - - - - - - - -	3
(*c.*)	„ „ merchants - - - - - - - -	14
(*d.*)	„ „ proprietors or planters - - - - -	13
(*e.*)	„ „ doctors or lawyers - - - - - -	3
(*f.*)	„ „ accountants or others - - - - -	7
		68

XLIX. In a community of which the white population forms so small a proportion, and in the working of a system of education in which Lord Harris expected that "every encouragement would be given to all, however humble their birth," it would be only reasonable and proper to find a strong mixture of the coloured element amongst the pupils. With my untutored eye I could discriminate only a few whom I could suspect to be coloured; and of real black pupils there were certainly none. But I obtained a return, from which it appears that of coloured boys there were: in the first class, three; in the second class, six; and in the third class, four; or, in all, less than a fifth of the school. My observations as to the proficiency and capabilities of the pupils must be interpreted, therefore, as having reference mainly to a set of children of pure European parentage. One of the exhibitioners is a coloured lad; but, on the other hand, the only boy in the senior division of the first class who has not obtained a certificate from the syndicate of Cambridge University is a coloured lad also.

L. The rules provide that every boy shall deliver to the principal on the first day of each term a certificate that during the last preceding term he had attended his place of worship and received religious instruction. The certificate must be signed by the clergyman, or by the parent or guardian of the boy. The certificates for the last term of last year were submitted to me for inspection.

The Catholic boys get no special religious instruction from any clergyman.

On this point I took care to be accurately informed. The certificate signed by the parents or guardians must, therefore, be of a very vague character.

The Protestant boys attend the Rev. Mr. Richards, at his school in Cambridge-street, on Wednesdays in the afternoon. I was present on one occasion. Of the 51 Protestants in the school, only 20 were present. Mr. Richards, I should mention, observed that this attendance was smaller than usual. The instruction consisted in the reading and elucidation of a chapter of the Bible.

LI. The amount expended in 1868 upon the Queen's Collegiate School was 2,694 *l.* 1 *s.* 2½ *d.* This sum was expended as follows:—

	£.	*s.*	*d.*
Salaries to teachers	1,800	–	–
Rent	200	–	–
Premiums	16	17	6
Exhibitions	450	–	–
Miscellaneous	227	3	8½
Total	£. 2,694	1	2½

The amount available for exhibitions is 900 *l.*, but in 1868 only half this sum was expended.

The amount of fees received during the year was 727*l.* 15 *s.* 10 *d.* Deducting from the gross expenditure the amount spent on exhibitions and the amount of fees received from the pupils, I find that the net expenditure from the funds of the Colony, for an average of 70 pupils during the year, was 1,516 *l.* 5 *s.* 4½ *d.*; or an average of 21 *l.* 13 *s.* 2 *d.* per pupil.

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167. Before making any general observations in reference to the policy and the future of the Queen's Collegiate School, I had better, I think, pass on to a description of the rival establishment, the

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I. On the 2nd of September 1857, the Board of Council passed the resolution which authorised the establishment of the Queen's Collegiate School.

II. The second resolution, which provides "That such collegiate school be open to students of any religious denomination, and that there be no direct religious teaching," appears to have at once aroused the opposition of the Roman Catholics.

III. Immediately after the passing of the resolution of the Board of Council, the Roman Catholics held a public meeting, the archbishop being in the chair, to protest against the principle on which the new Collegiate School was to be founded.

IV. At this meeting a petition to Her Majesty was adopted, in which it was affirmed, "That the principles laid down in such resolutions" (those relating to the foundation of the Queen's Collegiate School) "are opposed to the convictions of all Roman Catholics, who cannot admit to be beneficial any system of education which is not founded on religion."

V. The controversy appears to have then fallen for a time into abeyance. The opening, however, of the Queen's Collegiate School, at Easter 1859, provoked its revival. Only nine Catholic pupils entered the new school during the first two terms of its operation. A persistent hostility manifested itself on the part of the Catholics throughout the years 1859, 1860, 1861, and 1862, the hostility being demonstrated by the fact that the Catholics kept their children away. At the end of 1862 there were only 13 Catholics attending the collegiate school.

VI. In 1863 the Roman Catholics, at an expense of nearly 1,700 *l.*, established the Roman Catholic college. A Catholic college for lay scholars, established in the year 1836, by the Right Rev. Dr. M'Donnell, and for many years under the direction of the Very Rev. Canon Forde, had, for various reasons, already ceased to exist.

VII. The new Roman Catholic college was placed by the archbishop, the Most Rev. Dr. English, under the charge of the "Fathers of the Congregation of the Holy Ghost," and was called "The College of the Immaculate Conception."

VIII. The Fathers of the Congregation of the Holy Ghost are a distinguished teaching community in the Roman Catholic Church. In France their organisation is very extensive. In Ireland they have a large and important establishment, which is yearly advancing in public estimation, and is recognised as one of the most efficient schools in the country.

IX. There are 12 professors, of whom five are priests, one is an ecclesiastical student, and six are lay brothers. Of the 12 professors, six are English and six are French. The Very Rev. Father Corbet is the principal. The professors are Fathers Brown, O'Hanlon, Muller, Sundhauser, Duval, and Cellier and brothers Louis de Gonzaga, Fritsh, Patrick, Edmond, Auguste, and Regis.

X. The buildings in which the school is held consist of two different establishments, separated from each other by one of the public streets. One part of the establishment is the old house, which was formerly used as a seminary; the other part is the new building, expressly designed and erected for the new Catholic college.

The old house is in a somewhat neglected and dilapidated condition.

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The new house is a neatly-designed structure, containing capacious school-rooms, refectory, dormitories, &c. &c. &c.

The play-grounds are spacious. The swimming bath is large enough to accommodate several at a time. The architecture is, of course, peculiarly adapted to the exigencies of the climate, delighting in plenty of shade and endless means of ventilation. The material of the building is wood.

XI. The pension for boarders is 40 *l.* a year, and for half-boarders 22 *l.* 10 *s.* a year. The pension for senior externs is 1 *l.* 5 *s.* a month, and for junior externs 16 *s.* 8 *d.* a month.

XII. There are 111 pupils in the school, of whom 56 are boarders.

XIII. Of the 56 boarders, 33 are full boarders and 23 half-boarders.

XIV. The full boarder is the same in all respects as a boarder in a European school.

XV. The hal -boarder follows the same rule, and is subject to the same discipline and scholastic regulations as the full boarder, but he is "nourished" by his parents.

XVI. The half-boarders sit together in the refectory. Their food is brought to them from their homes. The arrangements to effect this are very interesting. To me they were quite novel. A few minutes before meal time may be seen, at an outer door, servants and messengers bearing the food in covered dishes, tureens, &c. A steward of the school receives the dishes, &c. Each dish or plate bears a distinctive mark, or the name of the boy for whom it is intended. The steward then lays each dish, &c., in the place allotted to the boy for whom it is intended, just as if prepared in the cuisine of the school.

XVII. The professors take their meals at the same time as the boys, and in the same room with them.

XVIII. During the dinner, one of the boys in turn occupies the pulpit, and reads some appropriate lesson; the language being English and French on alternate days.

XIX. When a stranger is the guest of the professors, and also upon fête days, there is a relaxation of the rule, and free conversation is permitted.

XX. I have seen, in many countries, boys and men, as school-boys and students, in the refectory at meals; but I am bound to say that I never on any occasion observed a more gentlemanly or more refined gathering around a community or college table, than on the day I visited this college to see the boys at dinner.

The food was simple, but generous and wholesome; the appointments of the table were plain, but decent; and the conversation, though free and good-humoured, was neither ill-mannered nor boisterous.

XXI. There are no free places in the school, but the superior informed me that, from one cause or another, some of the parents are anything but punctual in their payments, and that, so far as the revenue of the establishment is concerned, their want of punctuality is nearly as inconvenient as would be the institution of a certain number of free places. In point of fact, there are some who do not pay at all; there are others who, having brothers in the college, pay only a commuted rate.

XXII. The pension for boarders is, I think, exceedingly moderate. It is surprising how, in an extremely expensive place like Trinidad, so much can be given for 40 *l.* a year. The pension for the half-boarders, 22 *l.* 10 *s.* a year, is, I think, equally moderate.

The pension for externs, which, except in the preparatory class, is at the rate of 15 *l.* a year, I consider rather high. I do not mean to say *too* high for the value which is given, but too high to enable the portals of learning to be opened to any but the well-to-do classes. Considering, however, that the conductors of the school receive no aid from the State, I can very readily appreciate the difficulties which beset them in respect to a reduction of fees.

XXIII. There are two vacations in the year; one from Christmas to the beginning of February, the other extending over a fortnight in June.

XXIV. Although the school was established in 1863, the classes were not in real working order until 1864. In a short time the number of pupils had amounted to 100; the number is now 111.

XXV. The school, although essentially Catholic in its organisation, has been always open to Protestants. There were two Protestant pupils in 1864, five in 1865, six in 1866, three in 1867, and three in 1868. At present there are no Protestant pupils in attendance.

XXVI. The organisation of the school embraces three courses,—

1. The preparatory course.
2. „ commercial „
3. „ classical „

XXVII. The preparatory course comprehends reading, writing, arithmetic, English and French grammar, history, and geography.

The commercial course embraces reading, writing, mathematics, natural sciences, book-keeping, grammar, geography, history, and literature.

The classical course extends from the rudiments of the Latin and Greek grammars to the study of the great ancient authors, and also of some of the principal Fathers of the Church. Of the latter class, St. Basil's Discourse on Profane Authors; St. John Chrysostom on Flavian's Return; and the Lives of Joseph, Ruth, and Tobias, from the Septuagint, are the principal examples that came under my notice.

XXVIII. English and French are obligatory studies upon all. Spanish and German are optional.

XXIX. Pursuing the preparatory course there are 52 pupils; the commercial course, eight pupils; and the classical course, 51 pupils.

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XXX. The classical pupils all learn a course of English; but neither the commercial nor the preparatory pupils learn classics.

XXXI. Drawing, vocal music, instrumental music (including the instruments of a full band), and the pianoforte are also part of the curriculum.

XXXII. The following are the ages of the pupils:—

Under 9 years of age				11
Next birth-day 10 years of age				18
„	„	11	„	10
„	„	12	„	16
„	„	13	„	12
„	„	14	„	18
„	„	15	„	10
„	„	16	„	8
„	„	17	„	4
„	„	18	„	4
			Total	111

The average age is slightly over 12 years.

XXXIII. I visited the college on several days, and had ample opportunity of witnessing the method of instruction, and testing its results.

XXXIV. There are 51 boys learning the classical course. This course is divided into eight sections, only six of which, however, have pupils at present.

(*a.*) In the eighth or lowest section there are 16 pupils: the business consists of the "Principia Latina," Part II., and the Epitome Historiæ Sacræ.

(*b.*) In the seventh section there are 16 pupils: the business consists of the Latin grammar as far as Syntax, the Epitome Historiæ Sacræ, and De Viris.

(*c.*) In the sixth section there are five pupils: the business consists of additional parts of the Latin grammar, Fabulæ Phædri, De Viris, Cornelius Nepos, the Greek grammar (abridged), and Enchiridion or Æsop.

(*d.*) In the fifth section there are seven pupils: the business consists of the Latin grammar as far as the syntax of pronouns, Cornelius Nepos, Justin, Ovid, the Greek grammar as far as contracted verbs, and Lucian.

(*e.*) In the fourth section there are three pupils: the business consists of the whole of the Latin grammar, Latin prosody, Cæsar, Virgil, Cicero, the Greek grammar as far as supplement to verbs, Homer, Xenophon, and Plutarch.

(*f.*) In the third section there are four pupils: the business consists of the whole of the Latin grammar, Latin prosody, a treatise on Latin Elegance, Cicero, Virgil, Sallust, the whole of the Greek grammar, Homer, Plutarch, St. Basil's Discourse on Profane Authors, and St. John Chrysostom on Flavian's Return.

XXXV. There are as yet no pupils sufficiently advanced for either the first or the second section. I therefore make no note of these sections, having had no opportunity of testing the judiciousness of the business appertaining to them.

XXXVI. The classical system of instruction is peculiar. The pupil first reads aloud a few sentences of the Latin or Greek business of the day; he next transposes the language into the *ordo*; and then he translates into French. The fluency with which this was done in the different sections, especially in the third, was quite remarkable. I inquired if the translation was ever into English. Systematically it was not, I was informed. I then caused the boys to translate different passages in Latin and Greek into English; and, although this exercise was rather novel to them, it was performed with very creditable ease and tolerable precision. The English was not as good English as the French was good French; yet the result was satisfactory, for it showed that the boys had a thoroughly excellent knowledge of their Latin and Greek. Prosody is very carefully taught. Whilst, in English, the pronunciation was in numerous cases *foreign* in its character, and defective in accent, yet in the Latin and Greek a false quantity was very rarely observable.

XXXVII. There are 59 boys, 51 classical and eight commercial, learning the English course. This course is divided into five sections; but there are, as yet, no pupils in the two higher sections.

(*a.*) In the fifth or lowest section there are 27 pupils, learning English grammar, analysis of sentences, prose composition, orthography, reading, and declamation.

(*b.*) In the fourth section there are 16 pupils, learning English grammar, prosody, and a development of the subjects of the fifth section.

(*c.*) In the third section there are 16 pupils, learning synonyms, verbal criticism, versification, and a further development of the preceding sections.

XXXVIII. Letter or essay writing is an exercise in which the pupils exhibited very high proficiency. I caused the 16 boys of the third section to write an exercise, each selecting for his theme some object of interest or importance, having reference to the island of Trinidad. Some wrote about the Pitch Lake; others about the Maraccas Waterfall; others about the town of Port of Spain, &c. The compositions were admirable; the powers of description quite surprising. One of the exercises, an account of the Pitch Lake, written in my presence, and in almost half an hour, was, in point of information, graphic writing,

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and nervous style, fully equal to many a narrative of a like kind to be met with in magazines of good literary repute.

XXXIX. The reading of English is very good; the accent, however, is very foreign.

XL. Elocution is carried into the regions of dramatic art. Some of the boys recited pieces, serious and comic, from the great poets and dramatists, in such a manner, and with such histrionic effect, as to amaze me. I afterwards learned that some of the pieces had been recited by the same boys in presence of his Excellency the Governor a few months previously, at the annual examinations; but no matter how often they may have been repeated, or how specially rehearsed or got up, the performance evinced the possession of singular talents by the boys, and of great capacity as elocution masters by the teachers. I do not desire to be understood as expressing an unqualified approbation of the elocutionary exercises, for I entertain some serious misgivings about the propriety of giving any marked prominence to them. I cannot possibly discuss the subject in this report; and I only allude to it to guard against being understood as admiring in an equal degree the *utility* and the *character*, however high, of the dramatic recitations.

XLI. By the pupils of the English course there is an exercise much practised, which I am convinced promotes a salutary training of memory, taste, and judgment. It consist of this: —a narrative or statement is read or extemporised to the pupils assembled in class. On the following morning each has to bring a written version, in his own words, of the narrative. The master criticises each exercise, and exposes the baldness or poverty of style, the occurrence of solecisms, the omission of the leading features of the story, and the defects of condensation or amplification. To the frequent recurrence of this exercise I attribute, to a considerable extent, the ability so generally displayed in the composition of the descriptive themes, to which I have already referred.

XLII. The commercial course is designed expressly for lads destined for mercantile pursuits. There are eight pupils in the class. The languages of the course are English and French. The character of the instruction is eminently practical. As much grammar is taught as enables a lad to express himself clearly and succinctly; as much arithmetic as makes him a good calculator and statistician; as much book-keeping as makes him a good clerk or accountant; and as much practice in penmanship as makes him a legible and off-handed writer. The economy of this class is directed mainly to a utilitarian view of instruction.

XLIII. In the preparatory course there are 52 pupils. It is divided into three sections.

(*a*) In the third or lowest section there are 23 pupils: the business consists of reading, tables, a little Bible history, and the rudiments of English grammar. The junior pupils of this section are mere beginners, some of them learning only to spell. A few of the beginners were entirely unacquainted with English. The difficulties of tuition in these cases are considerable.

(*b*) In the second section there are 15 pupils: the business consists of reading, recitation, orthography, and etymology as far as the verb.

(*c*) In the first section there are 14 pupils: the business consists, in addition to the preceding, of exercises in easy composition, letter writing, and the analysis of simple sentences.

XLIV. The general proficiency of the pupils of this course, their ages, &c. being considered, was satisfactory.

The modern appliances of the abacus in the teaching of the tables, and the modern exercise of an "object lesson" in simultaneous instruction, have not yet been tried. In this respect there is an opening for improvement. The teaching, however, is patient, intelligent, and solid.

XLV. The pupils of the classical and English courses receive systematic instruction in history and geography.

(*a*) In the eighth section the business is sacred history, and the outlines of the map of the world.

(*b*) In the seventh section the instruction is in ecclesiastical history, and a more detailed knowledge of the map of the world.

(*c*) In the sixth section the business is the elements of ancient history, and the geography of Asia.

(*d*) In the fifth section the business is the history of Greece, and the general geography of Europe and Africa.

(*e*) In the fourth section the instruction is in Roman history, and the general geography of America and Oceanica.

(*f*) In the third (at present the highest) section, the business is the history of the middle ages, and the geography of Europe.

XLVI. English history is also a subject of instruction in the higher sections.

XLVII. The French course is very elaborate. It is carried on in three preparatory and three higher sections. Besides being a well-arranged development of instruction in the language, it is incidentally made to serve the acquisition of systematic knowledge in criticism, sacred history, and the history and literature of France. The fifty-nine boys of the classical, English, and commercial courses compose the three higher sections of the French course; and the fifty-two boys of the preparatory course compose the lower sections. The business of these courses extends from the elements of grammar, in the lowest section, to a critical study, in the highest section, of Racine's Athalie.

XLVIII. Nearly every boy in these sections can speak French as fluently as English. Six

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of the professors are Frenchmen, a fact which accounts for the accent of the boys being unaffected and pure. The recitation exercises in French are perhaps even more effectively performed than those in English.

XLIX. The fact that such prominence is given to French in the system of instruction, that the community who conduct it are a French order, that half the professors are Frenchmen, that nearly half the pupils are the children of French families, and that the discipline and ceremonials of the school are founded upon French models, have all contributed to inspire the designation of the "French College" by which the institution is popularly known. Indeed, the fact that the college is a *Catholic* college would be quite reason enough to suggest to the people to call it the "French College," just as they call a Catholic church the "French church."

L. In an English colony it would seem only natural to expect that a great public school like this, advancing a claim on Governmental consideration for its support, and appealing for the popular favour to its success in turning out intelligent and enterprising citizens, should be conducted on what are reoognised as English principles; that is, that the language, the tone, and the social atmosphere of the school should be English. To a certain extent I sympathise with such an expectation. Every person I met with in Trinidad, including His Grace the Archbishop, the leading Catholic clergy, Dr. De Verteuil, Mr. Farfan, and the professors themselves of the college, sympathised with it. But I cannot close my eyes to the difficulties of—and even the objections to—a sudden metamorphosis. I have before me, as I write, the name of every boy in the school, with the nationality of his parents or family.

Of the 111 boys—

48 belong to French families.
33 „ „ Spanish „
30 „ „ English „

Would it be rational to attempt to extinguish the instincts of vernacular speech in the vast majority of the children? Would it be philosophical to fail to cultivate the mind, and fill it with stores of knowledge, in the language most natural to it? I do not, therefore, condemn the college because it is so French in its character, nor do I venture to advise the suppression of the French element, but, at the same time, I think that, without being made less French, the college could be made much more English than it is. The professors themselves are of this opinion, and have expressed their readiness to act upon it. In a document with which they favoured me, they say, in allusion to the objection that the establishment is conducted too much after the French fashion:—

"In this we beg to remark that when the college was established, not knowing the country, the majority of the professors who arrived were French; consequently the Latin and Greek authors were translated into French. But by no means has this been done that the French should predominate in the college. On the contrary, we are quite disposed to form our programme after the manner which shall best suit the wants of the population. As a proof of this, we beg to say that among our professors, who are twelve in number, there are six who are English; and that all the pupils of the college are obliged to attend daily the English classes."

LI. The mathematical and physical science course is divided into six sections; the upper two being at present unfilled. The number of pupils in this course is the same as in the English, viz., 59.

(*a*) In the 6th or lowest section the business consists of the compound rules and reduction.

(*b*) In the 5th section the pupils advance to simple proportion, and begin the study of zoology.

(*c*) In the 4th section the arithmetical instruction extends to compound proportion and interest, and the study of botany is then taken up.

(*d*) In the 3rd section are given a full course of arithmetic, the simple rules of algebra, the First and Second Books of Euclid, and instruction in geology.

LII. The mathematical is the weak point of the college. Some pupils who had advanced pretty far in algebra and geometry had, I was informed, left at Christmas, but, of course, I can only speak of those pupils whom I met in the school. In my opinion the boys of the 6th and 5th sections should be advanced more rapidly in arithmetic, and be introduced to the study of geometry and mensuration; the boys of the 4th section should also be at a more advanced stage of arithmetic, and should know 3 or 4 books of Euclid, and algebra as far as simple equations. I cannot comprehend why neither algebra nor geometry is taken up until the boys reach the 3rd (at present the highest) section of the school. In this section the business ought to reach the higher geometry, a full course of algebra, plane and spherical trigonometry, and mechanics. What *is* attempted is satisfactorily taught; but *enough* is not attempted. The mathematical capacities of the boys are kept fallow, or only feebly developed.

LIII. The power which the boys possess of calculating rapidly and accurately is very fair.

LIV. All the pupils learn vocal music. Indeed it would be difficult to meet with better singing or better cultivated voices among school-boys. The quality of the music which they sing is refined and classical. In parts the voices are trained to harmonise beautifully. The wooden structure in which I heard the singing was very favourable to musical effect.

LV. The brass band of the college consists of twenty pupils. The music which I heard them perform was admirably scored and skilfully executed. The instruments are of a very superior

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superior kind. I was informed that the influence of the performance of the band upon the pupils of the college is, generally, of a most salutary character. I fully belive it to be so.

LVI. Four of the pupils were learning the piano. I heard two of them perform. They were only beginners, but their playing evinced careful training.

LVII. In the drawing class there are nine pupils. The instruction is confined to figure, landscape, and architectural drawing. The specimens which were submitted to me for inspection were very tastefully executed. None of the pupils, however, draw from the round.

LVIII. Instruction in vocal music is included in the ordinary pension; but instrumental music and drawing are extras.

LIX. Spanish and German are also taught; but I had no opportunity of ascertaining with what deeree of success.

LX. Instruction in Spanish is a necessity, for, as I have mentioned, thirty-three of the boys are the sons of Spanish families, some of whom are residents in Venezuela. But for the boarding accommodation in the college, many of those Spanish boys would be altogether debarred the opportunity of obtaining a liberal education.

LXI. The peculiarity of the organisation of the college is, that the classification of the pupils is of a *shifting* character; that is, for instance, a boy may be in the sixth section of Latin, in the fourth section of English, in the fifth section of arithmetic, &c. The advantage of the system is, that each *class* of boys possesses an equality of attainments, and that the instruction which is levelled at some, is not lost upon others. In most schools the difficulty of securing an equality of classification is a hindrance to the progress of the slow or the backward, if the instruction be suitable to the advanced members of the class. But the advantage of a well balanced classification can be secured only in a school or college like this, where the staff of professors is very large. Another advantage also arises out of this system, in the circumstance that each subject is usually committed to the charge of a particular teacher, who applies all his abilities and energies to the study and the teaching of it.

LXII. At five o'clock the pupils take a bath, dress, &c. At a quarter to six, after morning prayer, they engage in study. At a quarter past seven they attend Mass. At eight o'clock they breakfast. From half-past eight to eleven the school business proceeds. It is then that the classical, historical, and geographical classes are taken up. Next comes a quarter of an hour's relaxation, which is followed by study for three-quarters of an hour. At twelve o'clock dinner is partaken of, and at half-past one o'clock school business is resumed. The afternoon instruction occupies three hours; made up of an hour and a-half at the English classes, half-an-hour at the arithmetical classes, and an hour at the French classes. At half-past four o'clock luncheon, as the superiors of the school term it, is eaten, and at five the boys sit down to study again. At seven there are prayers and a spiritual conference. At half-past seven supper is served, and at eight o'clock the pupils retire to their dormitories.

On Sundays and Thursdays the programme is varied. None of the classical, English, historical, geographical, French, or science classes are held, the boys being engaged at religious instruction, vocal and instrumental music, penmanship, and drawing, and also in taking a walk which lasts two hours and a-half.

LXIII. The uniform of the boys is very pretty. It consists of coat, king's blue, with initialed guilt buttons; trousers, same, with a blue stripe, or plain white trousers; white waistcoat, with gilt buttons; and blue cap with gold braid.

LXIV. One evening I met the boys and some of their professors taking a walk on the Savannah. It was a few days after my first visit to the college. The boys were marching in twos, at an easy semi-military pace. Their demeanour was unaffected and gentlemanly. As I passed on, they recognised and saluted me with a pleasant air of respect and cordiality. Altogether I was most favourably impressed with the tone, the moral bearing, and the manners, of these boys. A happier-looking set I never saw.

LXV. The professors evidently devote much attention to the cultivation of the character, and the development of the moral affections. The discipline is mild but vigilant. Although only two hours weekly are devoted to religious instruction, yet the religious exercises every day, the example of the professors, and the spiritualising influences of the place appear, in the exemplary lives and gentle natures of the boys, to produce an abundance of good fruit.

LXVI. Insubordination or immorality is punishable by expulsion. A few cases of bad conduct have occurred; but I believe that in those cases the parents, to avoid the ignominy of expulsion, were advised to withdraw the pupils.

LXVII. The following is a statement of the professions, &c., of the fathers of the boys:—

(*a*) Sons of merchants	41
(*b*) Sons of planters or of proprietors	41
(*c*) Sons of professional men	16
(*d*) Sons of members of the public service	6
(*e*) Sons of persons of private means	7
Total	111

LXVIII. Twenty-four of the pupils are the sons of coloured parents.

LXIX. Accounting for the non-appearance of a greater number of boys of advanced years and acquirements, the professors explained that many, from want of means to finish their course of studies, and many others, with a view of obtaining the collegiate and scholastic advantages of European institutions, had left before reaching the higher sections. Since 1864, 14 had gone to colleges, and two to schools in England; and 11 had gone to colleges in France.

College of the Immaculate Conception.

LXX. I was anxious to learn whether there was any fluctuation in the attendance of the pupils between this and the Queen's Collegiate School; and I obtained from the professors a return containing information upon this head. It appears from this return that since 1863, seven pupils left this college to go to the Queen's Collegiate School, and that 21 pupils left the Queen's Collegiate School to come to this. Considering the rivalry that exists between the two schools, and the unconcealed hostility of influential persons to the one establishment or the other, I find from the return, referring as it does to a period of five years, a considerable steadiness of purpose on the part of the parents who send their children to the respective schools.

I entertained no doubt whatever as to the accuracy of the return; but I think it only right to mention that, by an oversight, I omitted to obtain a corresponding return from the principal of the Queen's Collegiate School.

On collegiate question feeling runs high.

168. The description which I have given of the two collegiate establishments will, I trust, convey to your Lordship's mind an adequate idea of their scope, their organization, and their operation. It was with no slight concern that I sat down to write this part of my report. Upon the subject of secondary education, feeling runs high in the colony. There are some who would rank it next to sacrilege to touch a penny, or disturb even a form, of the Queen's Collegiate school. There are others who, if they could, would with a single stroke annihilate it. Similarly, the Catholic college has its champions and its foes. Incidentally to the remarks which I have made on the condition of the collegiate establishments, I have touched upon the leading points of the controversy connected with them. It is therefore unnecessary to recapitulate these points.

Few coloured pupils.

169. The first thing likely to strike a person who has considered these reports is the strangeness of the fact that whilst the white population, which is only between 5,000 and 6,000, furnishes 142 pupils to the collegiate establishments, the coloured population, which, exclusive of the coolies, numbers from 60,000 to 70,000, furnishes only 37 pupils. Twenty-four of the coloured pupils are in the Catholic college, and 13 in the Queen's Collegiate school.

Poor practically excluded.

170. Lord Harris provided, as I have already stated, that every encouragement, should be given to all, however humble their birth. No such encouragement, however, is afforded to the poor in the Queen's Collegiate school, for the high rate of fees effectually bars the door against them; and at the Catholic college the authorities plead that they derive no aid from the State to enable them to give places on moderate terms to the poor.

Queen's Collegiate School favoured by public officers, but not by public generally.

171. The next conclusion which a person reading the reports will probably arrive at, is, that the Queen's Collegiate school has not obtained the confidence of the people generally.

Of the 68 pupils on its rolls, 28 are the sons of members of the Civil Service. This is a large proportion of the whole attendance. The children of the public officers receive a most excellent education, which, however, is mainly paid for by the taxes of the people. The Queen's Collegiate school is therefore a great boon to the public servants of the colony. But is the interest of the public servants to be primary and paramount in the consideration of this question?

In measuring the relative acceptability of the two colleges to the people of the colony, I have to turn to the other classes—the merchants, the planters, and the professional men. And how does the case appear from this point of view?

At the Queen's Collegiate school there are 14 sons of merchants; at the Catholic college there are 41. At the Queen's Collegiate school there are 13 sons of planters or of proprietors; at the Catholic college there are 41. At the Queen's Collegiate school there are 10 who are the sons of professional men or of others; at the Catholic college the number is 29. The Queen's Collegiate school has 28 sons of members of the public service, exclusive of 3 who are the sons of rectors; whilst the Catholic college has only 6.

These facts are conclusive. They require no comment. The people flock to the non-endowed college; not because its education is better than that which the Queen's Collegiate school affords, but because the principle of its foundation—the introduction of the religious element—is more acceptable to them.

Catholic support of Queen's Collegiate School very trifling.

172. In the Queen's Collegiate school there are 17 Catholic pupils—but 8 of them, as the sons of deceased public servants, are receiving a free education. The measure of spontaneous Catholic support given to the Queen's Collegiate school

school is therefore represented by 9 pupils. From a population of something like 50,000 Catholics, this is a poor expression of confidence or favour.

At the College of the Immaculate Conception, on the other hand, there are 111 Catholic pupils.

173. The fact that the Catholic college admits boarders is, of course, an immense advantage, and a powerful source of attraction. The Queen's Collegiate school suffers very considerably from the drawback that it does not receive boarders. Even of Protestant pupils it would, I am sure, have a much greater number if boarders were admitted. But the principle of secularism on which it is conducted renders boarding impracticable; a fact which goes to show that, even for secondary education, the secular idea is unsuitable to Trinidad, or to any other country where the homes of the people are scattered, and far away from the school. Boarders.

The Honourable Charles Warner, Attorney-General, in a paper included in Despatch No. 9, of the 8th of January, 1868, refers to this branch of the subject. He says:—

"*If* the objections to the Queen's Collegiate school were not rooted in a determined repudiation of all education not strictly denominational, such objections might be met by affiliating to the Queen's Collegiate school houses or halls supported or recognised by the Archbishop, as well as those of other denominations. Under such a system the pupils would receive religious instruction as part of their domestic training at the halls or houses of which they might be inmates, and would attend the classes of the central college for purely secular instruction. Nor would there be any objection to these halls or houses receiving a subsidy from the Government, beyond the objection that such a subsidy would in fact be given in diminution of the necessary charges of board and lodging and in relief of the parents of the children. Such a scheme would certainly meet the disadvantage pointed out by the Archbishop, under which parents living in the country now labour."

174. If the controversy hinged upon a mere question of money, I could recognise the Attorney-General's scheme as containing the basis of a satisfactory settlement. But the history of the Catholic college places the controversy upon an entirely different level. I think it unnecessary, however, to discuss this subject further. It is perfectly clear to my mind that the institution which manifestly enjoys the public favour, and which, as I have shown, exhibits in an educational point of view some of the highest evidences of efficiency, should if possible be brought within the scope of the public system of education established in the colony. Catholic College should be embraced in Government scheme.

175. But there is a view of colonial education which, happily, can be considered without reference to the conflicts of the religionists and the secularists. I refer to the abrupt termination which takes place in the education of nine out of every ten young men just at that period when the intellect is ripest for study, and when the nature of *true* scholarship is beginning to disclose itself. European boys, upon quitting the seminary, become students in a university. The Trinidad boys, on the contrary, have at the same stage to turn to their homes and bid a good-bye to their books. They have no university to go to unless, at enormous expense and serious risk, they travel 4,000 miles from their fathers' homes. Want of University education.

The people of the colony of Victoria were formerly in a like predicament; but in 1853 they passed an Act to incorporate and endow a university in their capital town; and in 1859 Her Majesty granted Royal Letters Patent recognising throughout the British Empire the degrees conferred at Melbourne. Melbourne University.

Sydney is only a few days' sail from Melbourne; yet each colony maintains its own university? Sydney University.

Other colonies, also, have their universities. Why have the West Indies no university?

Barbados has its Codrington College; Jamaica, St. Christopher's, St. Vincent, and Grenada, have their grammar schools. Trinidad has its two collegiate establishments. But the West Indies are, notwithstanding, without a university. Grammar schools.

In Trinidad alone there are 179 pupils in the collegiate establishments. If such a number, subject to the same scholastic training and endowed with the same general capacity, were met with in two corresponding schools at home, one would conclude, and with much reason, that from them would emanate a considerable proportion of university students. But very few of those 179 pupils are destined to join a university.

 176. From

Small proportion of Trinidad lads who enter a University.

176. From the Catholic college, it is true, 25 lads have, in the course of five years, gone to colleges in England or France—a circumstance which shows that on the part of the Catholics a considerable desire exists to obtain a collegiate education for their children. But 25 is only a small proportion of the college students that the Catholic community should have produced in the same period. I have not obtained a corresponding return from the Queen's Collegiate school, except in reference to the 4 exhibitioners who have gone to England; but I am satisfied that, the population of the whole colony being taken into account, the number of lads who ever enter upon a university career, as compared with the number eligible to become university students, is exceedingly small.

Society of Trinidad.

177. Trinidad possesses the elements that constitute a society in which learning might be expected to flourish. It has a large civil establishment, a superior bar, a considerable ecclesiastical establishment, distinguished medical men, rich planters, flourishing merchants, wardens, magistrates, &c. &c.

Sacrifices.

178. But the sacrifices which a colonist—especially one in moderate circumstances—has to make in order to obtain a university degree for his children are of a most serious character. Of this I have had ample evidence. Of the anguish suffered by parents who have to send their children 4,000 miles away, and who can see little or nothing of them during the years of their collegiate or scholastic career, I have also met with impressive instances.

Objection to sending lads to Europe.

179. Mr. Farfan, to whose reports as Commissioner of inquiry into the state of religious education in Trinidad I have had occasion to make reference so frequently, says in a letter which he has addressed to me:—

"I have no doubt that most of the Catholic parents that find themselves now obliged to send their children to Europe would prefer to have them educated here under their eyes. This is quite the Creole character. Another great advantage to such a college in Trinidad is, that the children would sometimes see their parents, and thus learn the real position of those parents, and instead of thinking them millionaires—as they generally do when away a few years—they would see the true state of things, which unfortunately is never bright. They could thus much better direct their minds when, later on, the time came to choose a suitable profession, or otherwise fight their way in the world."

I received from others similar testimony of a strong desire to secure, *on the spot*, the means of obtaining a complete course of education.

Opinion in favour of sending lads to Europe.

180. Some people, however, are of opinion that, for the sake of health, a residence in Europe during the critical period of adolescence is indispensible. Dr. Mitchell and Dr. De Verteuil entertain this view. I am not prepared to dissent from the opinion of authorities so eminent in their profession. But I answer that comparatively few are at present sent to Europe for their education.

University education the right of even those who cannot go to England.

181. One of the main objects I have in view is to bring collegiate training home to the doors of those who cannot afford to go to England. Change the scene. If Scotchmen had to go 4,000 miles for their university education, even to a country infinitely more salubrious than their own, would a tithe of those who now obtain degrees ever dream of entering a university? Would 19 per cent. of Scotch university students—as is the case at present—be the sons of labourers? I do not propose to argue the advantages that would accrue to local government, to the professions, and to society at large, from the presence in the colony of a number of people who had passed through a university course. Addressing the Chancellor of the London University, and a statesman of vast official experience, I need not undertake such a task. I cannot, however, avoid recurring to a passage in a despatch of Governor Walker's, which I met with in the Blue Book for 1865. Mr. Walker, mentioning the occurrence of an appointment to a police magistracy, refers to the fact that the gentleman appointed "has distinguished himself at Codrington College." If governors generally could refer, in evidence of the wisdom of their appointments, to the career, in a local college or university, of the persons nominated or appointed to situations of importance, would not the public service be strengthened, and rendered more efficient and respected?

Union of West Indian colonies to form a University.

182. But Trinidad alone, no matter how improving its condition may be, would fail to endow with due proportions, or furnish adequate materials for, a university. If joined, however, by its sister colonies, there would be ample resources for the foundation of an important university. The aggregate population

tion of the colonies that I propose to combine for the purpose is 1,120,000, of whom nearly 70,000 are whites. These colonies are Trinidad, British Guiana, Barbados, Tobago, Grenada, St. Vincent, St. Lucia, Antigua, Montserrat, Dominica, St. Kitt's, Nevis, the Virgin Islands, Turks' Islands, Bahamas, Jamaica, and British Honduras.

183. I shall now describe the proposal I venture to make upon this subject. For brevity's sake, I shall only touch upon its essential outlines. **Proposal.**

184. I would have the university to establish its head-quarters at Jamaica, where there are 14,000 whites; or at Barbados, where there are nearly 17,000 whites; or at British Guiana, where there are nearly 12,000 whites; or at Trinidad, where the white population is nearly 6,000. **Seat of University**

185. The university should consist of a Visitor, a Chancellor, a Vice-Chancellor, and 60 Fellows, who would constitute the Senate, with power, after examination, to confer degrees. Her Majesty might be humbly prayed to become the Visitor. The Secretary of State for the Colonies might be requested to become the first Chancellor. The Governor of the colony which might be the seat of the university should be *ex-officio* the Vice-Chancellor. Each Governor or Lieutenant-Governor of a West Indian colony should be *ex-officio* a fellow and member of the university. Two of the leading personages of each colony—one a Catholic, the other a Protestant (whenever practicable)—should also be nominated to fellowship, and placed on the Senate. The colony which might be determined upon for the seat of the university should furnish eight fellows—four Catholics and four Protestants. The fellows should in all cases be nominated, and vacancies all filled up, by the Crown. **Constitution of University.**

186. The staff of the university should consist of a secretary and a body of examiners. **Staff.**

187. The Crown colonies should be particularly requested to co-operate in the foundation of the University. The attention of the other colonies might be specially drawn to its object and advantages, and their co-operation solicited. Each colony desirous of availing itself of a connection with the University should pass an ordinance declaratory of its purpose, and at the same time providing for its quota of the expenses. **Colonies to co-operate.**

188. The expense of the University would be about 5,000*l.* a year—an amount which, when distributed over a number of colonies, would fall lightly upon each. **Cost of University.**

189. The University should possess an examining function solely. The examinations for matriculation and degrees should be carried on simultaneously throughout the several colonies, and be conducted by means of printed papers prepared by the University examiners, to whom the answers of the candidates should be subsequently returned for revision. **Function solely an examining one.**

190. The Senate should meet at stated times, to confer degrees, or to authorize the conferring of them by deputy councils in the different colonies. **Meetings of senate.**

191. It should be competent for the Senate, upon the invitation of a colony other than that which is the seat of the University, to hold in such colony its annual ceremonial for the conferring of degrees and the transaction of general business. The colony inviting the Senate for such a purpose should defray a portion of the travelling and other expenses of the visit. **Might be held in different colonies.**

192. The most important part of my scheme relates to the organization and operations of the Deputy Councils in the several colonies connected with the University. **Deputy Councils.**

When a colony becomes connected with the University, the first step should be to establish a local deputy council.

Wherever there is a board of education, the deputy council and it should be one and the same body.

In Trinidad, therefore, the deputy council would be composed of Protestants and Catholics in equal numbers.

193. The University functions of the deputy council would be to superintend and manage the examinations of the students, and to confer the degrees authorized by the Senate. But to the deputy council I would give the patronage of **Functions of Deputy Council.**

seminarial and collegiate education. If the University is to flourish, seminaries and colleges, to serve as feeders to it, must be encouraged and aided by liberal grants of public money.

Trinidad.

194. If I now describe what I propose should be done for Trinidad, the account will serve, *mutatis mutandis*, for every other colony.

Its Deputy Council.

195. The board of education, constituted as I have already suggested, would become the deputy council of the University of the West Indies.

Withdrawal of present grants.

196. The Grant to the Queen's Collegiate school should be withdrawn, and no new English university exhibitions should be awarded.

Examining function.

197. The function of the deputy council, like that of the University which it represents, should be of a purely examining character.

Local enterprise.

198. The foundation or organization of seminaries or colleges should be left entirely to local enterprise.

Certificates of affiliation.

199. The deputy council should be empowered to grant a certificate of affiliation with the University to any seminary or college which fulfils the fundamental condition—the palladium of the public-school system of the future—of being *bonâ fide* open to all classes, irrespectively of colour or creed, and of rendering proselytism—directly or indirectly—impossible.

Sections of college or seminary.

200. An affiliated seminary or college should be treated as consisting of two parts—(*a*) the elementary section and (*b*) the Arts section.

Elementary section.

201. The examination in the elementary section should relate to pupils not learning an ancient language; and the pupils should be paid for, in results fees, in the same manner, and on the same scale, as in the case of a primary school.

This section would involve an expenditure of about 80 *l.*

Arts section—two courses.

202. The examination in the Arts section would relate to pupils learning an ancient language, science, &c. The Arts section would consist of two courses—(*a*) the preliminary Arts course, and (*b*) the University Arts course. Each course would extend over three years.

Preliminary Arts course.

203. The preliminary Arts course should include elementary arithmetic, algebra, geometry, Latin, Greek, and modern languages. The third year's examination should refer to the business preparatory to the matriculation examination.

Examinations.

204. At the end of each year of the preliminary Arts course, the pupils of the affiliated seminaries or colleges should assemble for examination in the University Hall of the colony. Pupils from schools under Catholic and Protestant teachers would, on such an occasion, assemble side by side in gentlemanly rivalry, to engage in an encounter in which merit would be the only weapon, fair-play the only battle-cry, and legitimate success the only triumph. Possibly a concursus of this kind would heal many a wound, and create influences not unlikely to promote cordiality and friendship between Catholics and Protestants, without detriment, even in a theoretical degree, to their religious convictions.

Results fees in preliminary Arts course.

205. For each student who passed a satisfactory examination in the preliminary Arts course, the school to which he belonged should be awarded from the funds of the State:

	£.
For the First year - - -	10
,, Second year - - -	12
,, Third year - - -	15

Taking it for granted that the Queen's collegiate school and the Catholic college would both be affiliated with the University, I estimate that for the preliminary Arts course the expenditure would be about 1,800 *l.* a year, or about 900 *l.* a year for each.

The University Arts course.

206. The University Arts course should correspond in classics, mathematics, modern languages, history, logic, moral philosophy, political economy, natural philosophy, natural science, &c., with the most liberal curriculum of any of the European universities. Law, medicine, and engineering, for professional students, should of course be included in the curriculum.

207. The

207. The University Arts course should, as I have said, extend over a period of three years. At the end of each year there should be an examination; and for each student who passed successfully, a results fee of 20*l.* for the first year, 25*l.* for the second year, and 30*l.* for the third or A.B. year, should be awarded to the college to which the student belonged. This would bring, for the present, about 100*l.* a year to each of the collegiate establishments of Trinidad. **Results fees in University Arts course.**

208. Students who obtained honours should be awarded prizes of the value—according as the honour may be first or second—of one-half or one-third of the fee accruing to the university in which they were taught. This would involve an expenditure of about 200*l.* **Honours and prizes.**

209. The expense of administration, printing, &c., would be about 250*l.*; the quota of university expense, about 700*l.* The total expense for secondary and university education would accordingly be:— **Cost.**

	£.
(*a.*) The Elementary section - - -	80
(*b.*) The Preliminary Arts course - -	1,800
(*c.*) The University Arts course - - -	200
(*d.*) Prizes - - - - - -	200
(*e.*) Local administration - - - -	250
(*f.*) University quota - - - -	700
Total - - - £.	3,230

The amount expended last year on the Queen's Collegiate School alone, was 2,694*l.* 1*s.* 2½*d.*; but of this sum 727*l.* 15*s.* 10*d.* was received in pupils' fees; so that the net expenditure (including the English exhibitions) was 1,966*l.* 5*s.* 4½*d.* The increase consequent upon the adoption of the proposed system, when the English exhibitions would have ceased, would be about 1,200*l.*

210. *Should it for the present unhappily appear to be impracticable to establish the University for the West Indies, I would then propose that the Board of Education in Port of Spain should assume all the functions, except the conferring of degrees, of the Deputy Council; should affiliate colleges or seminaries; should carry out the examinations in the Elementary and Arts courses; should award the results fees, &c., just as if the university were in full operation.* **If University be impracticable.**

211. In such an eventuality the university examiners would not be available. The Deputy Council would then have to select a committee of examiners from the body of professors or teachers in the affiliated colleges or schools, giving some reasonable fee to each examiner for his services. The expenditure would then be about 2,600*l.*, or an increase of 600*l.* upon the amount expended last year in connection with the Queen's Collegiate School. **Committee of Examiners.**

212. The future status of the Queen's Collegiate School would be that of a proprietary college. It would, of course, be vested in trustees, with whom the Deputy Council could establish relations. The future income of the school would be about 1,000*l.* a year in results fees, and about 700*l.* a year in fees from the pupils. Under the altered circumstances of the school, boarders would of course be received; and the revenue would then, I feel assured, become much higher than it is at present. Relieved from the burthen of the secular principle, which, as I have shown, mars the success of the pupils, even in the competition of the Cambridge local examinations, the school would become infinitely more prosperous than it had ever been before. **Future status of Queen's Collegiate School.**

213. From what I have shown to be the French proclivities of the Catholic college, it might be thought only reasonable that, when admitting that college into the full and free enjoyment of the advantages of public recognition and public rewards, I should advise strict provisions in reference to the cultivation and predominance of English. I think it unnecessary, however, to do so. The heads of the college are perfectly prepared to cause the English idea to prevail; but, independently of this engagement, it would of course devolve upon the Deputy Council to arrange that their examinations should apply to that course of scholarship which would best develop the qualities that give character and individuality to the gentlemen of English colonies. **The English idea in Catholic college.**

Paying for results in collegiate education.

214. As I introduce into the higher sphere of education the principle of paying for results, I should, perhaps, say a word or two on the apparent innovation.

It might be said that one effect of a system of payment by results in collegiate education would be to stimulate and foster the practice known in modern days as cramming. I admit that cramming is most seductive and most objectionable. Pure scholarship rejects it as spurious. It is a solitary offence, a sort of contraband enterprise. A teacher or professor, having only his own game to play, or his own fortune to make, might fearlessly resort to it; but no college or school could venture to engage in it. Public repudiation would soon close the doors of any academic halls within which it was practised. My plan is to leave each college or school to regulate the scale of remuneration for its professors. The State, in my opinion, should come to the aid of the colleges or seminaries only *in their corporate capacities*. Of the individual members of the teaching staff it should take no cognizance. The trustees or heads of the college, if they appointed incompetent professors, would on the day of public concursus, in the face of the pupils and professors of the competing colleges, incur the penalty of failure and disgrace. The motto on the portal of the hall of the Deputy Council should be—"Who chooseth me shall get as much as he deserves." The college or school which sent up to the competition unscholarly representatives would deservedly become the butt of popular contempt.

Plan impartial.

215. The plan I have suggested is one to which nobody, I should hope, could take exception; it favours no particular party; it urges no bestowal of privileges; it yields to no imperious agitation; it clashes with no principle that the most rigid *doctrinaire* espouses. I believe that its application to Trinidad would be productive of concord and prosperity.

Governor Gordon.

216. His Excellency the Governor has devoted much thought to this subject. Before I had the honour of being invited to take a part in its settlement, he had, I am aware, given the Imperial Government the benefit of his views; and I have the satisfaction of knowing that the suggestions I now make must necessarily come under his scrutiny and consideration.

Resumé as to number of scholars.

217. The number of pupils attending public schools in the colony may be pretty accurately estimated in the following manner:

I met 1,780 pupils in attendance at the model, borough, and ward schools. In the same schools there were last year 3,692 distinct pupils.

I met 1,323 pupils in attendance at the other schools of the colony—a number which, according to the proportion existing in the previous case, would give 2,744 distinct pupils.

Accordingly, the aggregate number of distinct pupils in the schools is 6,436, or say in round numbers, 6,000.

But only about 1,600 of these make 100 attendances in the year. The desideratum is not for *more scholars*, but for a *better quality* of attendance, to bring about which should be the first consideration of the new Board.

Cost of primary education.

218. A sum of 5,602*l.* 10*s.* 5*d.* was spent last year on teachers' salaries, rent of school-houses, &c. The inspector's salary is 500*l.* The total amount, therefore, spent upon primary education was 6,102*l.* 10*s.* 5*d.*; from this is to be deducted 52*l.* 3*s.* 11*d.* received in fees from the model school pupils, the net expenditure thus becoming 6,050*l.* 6*s.* 6*d.*

Cost of secondary education.

219. The amount expended upon the Queen's Collegiate School was 2,694 *l.* 1 *s.* 2½ *d.*; from this is to be deducted 727 *l.* 15 *s.* 10 *d.* received in fees, the net expenditure being therefore 1,966*l.* 5 *s.* 4½ *d.*

Total cost of public education.

220. The total amount spent upon public education was, accordingly, 8,796*l.* 11*s.* 7½*d.*; the net amount from the funds of the State, 8,016*l.* 11*s.* 10½*d.*

Increased cost of primary education.

221. The adoption of my suggestions would, in the case of primary education, involve an increase of 1,750 *l.*, and so bring the total cost up to 7,800 *l.* a year.

Increased cost of secondary education.

222. In the case of secondary education the increase would be either 1,200 *l.*, or in the event of the university not being established, 600 *l.*; the total cost being either 3,230 *l.* or 2,630 *l.*

The resolution of the Board of Council passed on the 2nd of September 1857, provided "that for the purpose of maintaining the collegiate school, there be charged

charged annually on the public funds the sum of 3,000 *l.* sterling;" so that my propositions involve a demand for little more or less than the sum originally intended to be spent upon secondary education.

223. The aggregate amount spent on public education would be, in round numbers, either 11,000 *l.* or 10,400 *l.*; the net increase being either 3,000 *l.* or 2,400 *l.* **Aggregate cost under new arrangements.**

224. The sum requisite for the support of the primary schools is provided by local ward rates. The inspector's salary, and the funds for the support of the Queen's Collegiate School, are provided out of the general funds of the colony. **Ward rates.**

Having regard to the fact that property is so irregularly distributed, and that three-fourths of the island are untenanted by tax-payers, I feel disposed to recommend, as regards the maintenance of the primary schools, that the education tax should be levied equally upon all tax-payers, and placed to the credit of the Education Board, for the general purposes of the system.

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225. I now take leave to recapitulate a few of the leading suggestions contained in this report. **Recapitulation suggestions.**

(*a.*) The compilation of a set of books suitable to the colony, and descriptive of its natural phenomena, productions, &c.

(*b.*) That the appointment of schoolmistresses be encouraged with a special view to the teaching of needlework; and that, attached to each school, there be a workshop and garden in order that the boys might be taught carpentry and agriculture.

(*c.*) The institution of two reformatory schools, based in principle upon a modification of the English Reformatory and the English Industrial Schools Acts.

(*d.*) The abolition of the Boys' and Girls' Model Schools; also of the Normal School, Port of Spain.

(*e.*) That instead of a Government normal school, a scheme of monitorships be instituted as an effective means of providing highly qualified teachers for the colony in future.

(*f.*) That the plan now in force of exclusive management on the part of the State be abolished; and that, in future, all schools be placed under the care of responsible persons, having local relation or connection with the places in which the schools are situated.

(*g.*) That the management of each ward school be vested in the clergyman of the same religion as the majority of the pupils—such arrangement, however, not to operate to the prejudice of any other person, clergyman or layman, who, commanding a sufficient attendance of pupils and a suitable school-house, may choose to establish a school under his own management.

(*h.*) That no child, on account of class, creed, or colour, be refused admittance to a school aided by the State; and that no child be exposed, directly or indirectly to the danger of proselytism.

(*i.*) That every manager be allowed free scope as to the course of religious instruction he may choose to adopt, and as to the employment of the person by whom such instruction shall be imparted.

(*j.*) That the parent, by a formal act of registration, shall determine the religion of his child; and that the parish clergyman of the same religion as the child shall then have the right to give his co-religionist instruction, at some convenient time, in the school-room.

(*k.*) That the principle of paying for ascertained results be applied to the Trinidad teachers; that one-third of their income be dependent upon the results of their teaching, as ascertained by the Inspector at an annual examination; that another third be dependent upon a quarterly report of the manager; and that the remaining third shall arise from a "classification" or "certificate" salary.

(*l.*) The propriety of extending to the coolies the opportunity of participating in the advantages of the public system of education.

(*m.*) The abolition of the present Board of Education, and the appointment of a new board of twelve members—six Catholics and six Protestants.

(*n.*) To supply the want of hotels, accommodation to be provided for the inspector in the police barracks of certain remote stations.

 (*o.*) The

(*o.*) The foundation of a university for the West Indies; its seat to be in some central and important colony; its functions to be limited to a power of examination, and of conferring degrees; a deputy council having the charge of local examinations to be established in each colony connected with it; the grant to the Queen's Collegiate School to be withdrawn; the Deputy Council to have power to grant certificates of affiliation with the university to any college or seminary that opens its doors to all classes and observes the conscience clause; and the Deputy Council to award results fees on a fixed scale to the colleges or schools of which the students are members.

(*p.*) In the event of the project for the establishment of a university being for the present deemed impracticable, the Board of Education of Port of Spain to perform all the functions, excepting the conferring of degrees, with which I propose to endow the Deputy Council in connection with the university.

(*q.*) The education tax to be equally distributed over all taxpayers, and the proceeds to be placed to the credit of the board for the general purposes of the system.

Conclusion.

226. Before concluding this report, I have to express my obligations to his Excellency the Governor for his kindness, his courtesy, and his invaluable co-operation. To the leading officers of the Government, to the clergy, and to the public generally, I have also to make my grateful acknowledgments for the facilities which I received in prosecuting my inquiries.

It would be mere affectation were I to conceal that I undertook with feelings of deep anxiety the duty to which, in terms that I could not venture to reproduce, your Lordship invited me; and that with similar feelings, I now conclude this Report, written, since my return home, in the brief intervals of official pre-occupation.

I have, &c.

Delville, Glasnevin,
July 1869.

(signed) *Patrick Joseph Keenan.*

APPENDIX.

BOROUGH PRIMARY SCHOOLS.

Borough Primary Schools.

No. 1.—Town Hall, Port of Spain.

Town Hall, Port of Spain.

1. House on the premises of the Town Hall, Port of Spain; quite too small, being only 29 feet by 14 feet, and 10½ feet high; utterly unsuitable.

2. Furniture quite crowded in the room.

3. Teacher, George W. R. Walker; age 36; trained under the Irish National Education Board; religion, "Separatist;" married; salary 200 *l.* a year; clever and ingenious; an excellent disciplinarian; a skilful organizer and examiner; but, notwithstanding these valuable qualifications, he fails to produce satisfactory results. He is assisted by Charles St. Laurent; age 18; Protestant; untrained; a young man of humble acquirements, who receives 12 *l.* a year from Mr. Walker.

4. Time-table judicious; organization arrangements very good.

5. The school rolls had not been marked, nor had the report of the attendance been entered, for the day previous to my visit. The master explained the occurrence of this irregularity by informing me that he had been engaged the previous day as a clerk at the Town Hall.

6. On the rolls in 1868 there were 104 pupils, of whom 33 had each made not less than 100 attendances; 33 had each made from 50 to 100 attendances; and 38 had each made less than 50 attendances. The average attendance was 46.

7. Average

Borough Primary Schools.

7. Average age of the pupils, 13½ years; a remarkable contrast to the average age—8 years—of the pupils in the other borough school.

8. Of 81 on rolls on the day of my visit, 50 were present. For an important town school, the results were unsatisfactory. Satisfactory answering being represented by the number 10, the results were: reading, 4·0; spelling, 4·1; dictation, 1·7; writing, 1·8; arithmetic, 0·7; grammar, 0; geography, 0·4; industrial instruction, 0.

9. Of the 50 present, 32 were Protestants, 17 were Catholics, and 1 was a Mahometan. There is no religious instruction given in the school. The master says that the children attend at the churches of their respective clergy for religious instruction. I had no satisfactory evidence of this.

Rule 22, for the Government of the borough schools of San Fernando and Port of Spain, is as follows:—

> "Forms shall be supplied by the master once in every quarter, to be signed by the clergyman or minister from whom such pupil shall receive religious instruction, stating the days of attendance of such pupil for religious instruction during the preceding quarter of a year. If it shall appear that any pupil has not received religious instruction, or has been irregular in his attendance for the purpose, the fact shall be brought by the master, in writing, before the Borough Council."

This rule is not acted upon.

The master, Mr. Walker, does not himself attend church, there being in the colony no church of the faith which he professes—that of the Separatists.

There was a very able Coolie boy in attendance—one of the most clear-headed children I met with in the island. He is obliged to leave school for an hour daily, to attend table at the house in which he is servant.

The attendance of pupils is by no means punctual in the morning.

This school is supported by, and under the patronage of, the Corporation of Port of Spain. The master informed me that the Corporation never visit the school, and further, that they take no interest whatever in its operation. To this indifference on the part of the Corporation may be attributed no inconsiderable share of the failure and the wretched appearance of the school.

The Inspector of schools examines the pupils periodically.

10. The amount expended on the two borough schools of Port of Spain, viz., the Town Hall School, and the Eastern Market School, in the year 1868 was 2,080 dollars 16 cents; or an average of 23 dollars 63 cents for each pupil who had made not less than 100 attendances during the year.

Eastern Market, Port of Spain.

No. 2.—Eastern Market, Port of Spain.

1. House the property of the borough; is commodious and tolerably suitable; contains a class-room.

2. Furniture consists of two rows of long desks; anything but a skilful or convenient arrangement.

3. Teacher, C. F. Fortuné; age 35; not married; Roman Catholic; trained; salary 125*l*. a year; clever and zealous.

The assistant is R. Bristol; age 22; not married; Church of England; not trained; salary 40*l*. a year; painstaking and intelligent.

4. Time-table judicious, but not scrupulously attended to.

5. School accounts accurately and neatly kept.

6. On the rolls in 1868 there were 190 pupils, of whom 55 had each given not less than 100 attendances; 53 had each given from 50 to 100 attendances; and 82 had each given under 50 attendances.

The average attendance was 92.

7. Average age of pupils, 8 years.

8. Of 134 on the rolls on the day of my visit, 88 were present. Satisfactory answering being represented by the number 10, the results were:—reading, 4·8; spelling, 6·4; dictation, 5·4; writing, 4·6; arithmetic, 4·2; grammar, 0; geography, 4; industrial instruction, 0.

In spelling and geography the marks obtained by the pupils of this school were higher than those obtained in any other public school in the colony.

9. Of those present, 68 were Catholics, and 20 were Protestants. There is no religious instruction given in the school. The last certificates in teacher's possession of attendance of pupils at religious instruction are dated by the Protestant clergyman, March, 1868, and by the Catholic clergyman, March, 1867. I therefore had no evidence whatever that, at the time of my visit, the children were receiving religious instruction anywhere.

Two members of the Borough Council and the Town Clerk attended an examination at the school on 12th December last. The school is altogether maintained by the Corporation

Borough Primary Schools.

of Port of Spain, but it is placed under the inspection of the Government Inspector of schools.

This school enjoys the distinction of having, in the general competition of the State schools of the Colony, obtained the highest marks in spelling and geography; and in writing from dictation it is *ex æquo* with the girls' model school.

[As to cost of education, *see* previous report.]

San Fernando.

No. 3.—San Fernando.

1. School held in a private house, rented at 30 dollars a month. There are three rooms devoted to school purposes. The principal room is commodious and convenient. The upper room, in which the infants' school is held, is too small (10 feet by 14 feet, and 9 feet high) for the attendance (44 children); indeed, on the day of my visit, this room was crammed almost to suffocation, the atmosphere being quite pestilential. There is a third room, used as a class room, but occupied on the occasion of my visit by a poor child who, during the day had been stricken by fever. Altogether, I regard the school-house as not quite suitable to its purposes.

2. There is sufficient desk accommodation, but the general appearance of the furniture is irregular and slovenly.

3. The head master is Samuel Proctor; age 46; a Presbyterian; married; trained; salary 150 *l.* a year; intelligent, painstaking, and respectable.

The principal assistant is Mrs. Proctor, wife of the head master; age 44; Roman Catholic; not trained; salary 40 *l.* a year; respectable and zealous.

The junior assistant is Augustine Weirs; age 52; Protestant; married (his wife teaches the non-endowed Protestant school); not trained; salary about 12 *l.* a year; is also clerk to the Protestant church.

4. The school is organised in three divisions:—

(*a.*) The first, a paying department; each pupil paying a shilling a week, and under the exclusive tuition of Mr. Proctor.
(*b.*) The second, a free department, taught by Mr. Weirs.
(*c.*) The third, an infants' department, taught by Mrs. Proctor.

The time-table is pretty judiciously drawn up, but the classification mainly depending upon the contingency whether the pupils can or cannot pay school fees, rather than upon a grading in point of knowledge, the organisation is defective.

5. School accounts very regularly kept.

6. On the rolls in 1868 there were 256 pupils, of whom 54 had each given not less than 100 attendances; 78 had each given from 50 to 100 attendances; and 124 had each given under 50 attendances. The average attendance was 119.

7. Average age of pupils, 10 years.

8. Of 176 on the rolls on the day of my visit, 117 (including 33 girls) were present. Satisfactory answering being represented by the number 10, the results were:—reading, 4·6; spelling, 4·5; dictation, 3·8; writing, 4·3; arithmetic, 1·5; grammar, 0·9; geography, 0·9; industrial instruction very limited; only 4 or 5 girls learning to sew.

9. Of the 117 present, 75 were Roman Catholics; 30 were members of the Church of England; and 12 were members of other Protestant denominations.

There is no religious instruction given in the school; the pupils are said to attend their respective clergy on Wednesdays, but no evidence of attendance was produced to me. Rule 22, for the government of the Borough schools as to the issue of certificates of attendance at religious instruction, is not observed.

The Inspector (Mr. Guppy) assisted me in the examination of the school.

In his report of 15th September 1868, the Inspector says—"The attainments of the pupils in the upper (paying) division are scarcely equal to my expectations."

The school is supported by the Borough Council of San Fernando. The Mayor occasionally visits.

10. The amount expended on this school in 1868 was 1,591 dollars 20 cents; or an average of 29 dollars 46 cents for every pupil who had made not less than 100 attendances during the year.

WARD SCHOOLS.

No. 1.—Carenage Ward School.

1. House rented at 100 dollars a year; dingy and uncomfortable; no out-offices.

2. Furniture unsuitable.

3. Teacher, Francis Leroux; married; trained; salary, 60 *l.* a year.

4. Organisation most injudicious.

5. School records correctly kept.

6. On the rolls in 1868, 64 pupils, of whom only 20 had each given not less than 100 attendances; only 15 had each given from 50 to 100 attendances; whilst 29 had each given under 50 attendances. The average attendance was 26.

7. Average age of pupils, 10 years.

8. On day of visit, 48 on the rolls, of whom 19 (including 1 girl) were present.
Results of examination, satisfactory answering being represented by the number 10:—reading, 3; spelling, 1·5; dictation, 1; writing, 3; arithmetic, 1; grammar, 0; geography, 0; industrial instruction, 0.
No attempt at intellectual training.

9. Of the 48 on the rolls, 45 were Roman Catholics and 3 were Protestants. No religious instruction given in the school or by the teacher. On Wednesdays an average of 7 Roman Catholics attend the Catholic Church for religious instruction.
Mr. Farfan in his report says:—"Teacher is a Roman Catholic; attends church when he is well; is not a communicant. Of 23 Catholics examined, only 6 knew the Lord's Prayer, Creed, and Commandments."

10. Cost of support of school in 1868—396 dollars 85 cents; or an average of 19 dollars 84 cents for each child who had given not less than 100 attendances.
School of little public advantage.
Quite close to this school there is a Roman Catholic school under the Rev. Mr. Gye. (*See* report, No. 8, Roman Catholic schools.)

No. 2.—Diego Martin Ward School.

1. House rented at 14 dollars a month; gloomy and unsuitable.

2. School furniture badly arranged, and desk accommodation inadequate.

3. Teacher, Robert Roxburg; age 55; married; trained; salary, 80 *l.* a year.

4. Time table pretty judiciously drawn up. I could not, however, determine whether, in the ordinary routine, it is attended to. No lessons prescribed for pupils to prepare at home. Discipline bad.

5. School records fairly kept.

6. On the rolls in 1868, 73 pupils, of whom 27 had each given not less than 100 attendances; 23 had each made from 50 to 100 attendances; whilst 23 had each given under 50 attendances. The average attendance was 36.

7. Average age of pupils, 9 years.

8. On day of visit, 63 pupils on rolls, of whom 30 (including 12 girls) were present. Results of examination, satisfactory answering being represented by the number 10:—Reading, 4; spelling, 4·5; writing, 4; arithmetic, 3; dictation, 4; grammar, 1·5; geogiaphy, 0. Industrial instruction: Teacher's wife occasionally gives the girls needle-work to do, but I saw no samples of it. No intellectual training whatever.

9. Of the 63 on rolls, 33 were Roman Catholics, 21 members of the Church of England, and 9 members of other denominations. No religious instruction is given in the school. The teacher can produce no evidence that the children attend elsewhere for religious instruction. Messrs. Darling and Farfan visited this school. Mr. Darling says:—"The master is a Protestant, attends church, and is a communicant. Of 18 Protestants examined, 10 could repeat the Lord's Prayer, Creed, and Ten Commandments." Mr. Farfan says:—"Of 13 Catholic pupils examined, only 4 know the Commandments and their prayers well. No Catholic pupils were communicants."

10. Cost of support of school in 1868, 555 dollars 15 cents, or an average of 20 dollars 56 cents for each child who had given not less than 100 attendances.
In the village there are a Protestant school under the Rev. Mr. Eckel (*see* No. 7, Protestant schools), and a Catholic school under the Rev. Mr. Jouin (*see* No. 9, Catholic schools).

Ward Schools.

schools). The latter reverend gentleman has three other non-endowed schools in his parish; one, attended by 18 pupils, under a master; another, attended by 9 boys and 4 girls, also under a master; and the third, attended by 6 boys and 12 girls, under a mistress.

Maraval Ward School.

No. 3.—Maraval Ward School.

1. House rented at 6 dollars a month; commodious and convenient.

2. Desk accommodation, consisting of two small desks, entirely inadequate to the number of pupils on rolls.

3. Teacher, Philip Joseph Purcell; age 41; married; trained; salary, 75 *l.* a year.

4. Time table unsuitable. Home lessons said to be prescribed to pupils, but I saw no evidence of it. Discipline bad; junior pupils talking incessantly whilst the others were under examination.

5. Teacher neglected to have his return made up; exceedingly negligent in this respect.

6. On the rolls in 1868, 95 pupils, of whom only 26 had each made not less than 100 attendances; 38 had each made from 50 to 100 attendances; whilst 31 had each made under 50 attendances.
The average attendance was 60.

7. Average age of pupils, 8 years.

8. Number on rolls on day of visit, 110, of whom 29 (including 10 girls) were present. Results of examination very unsatisfactory. Only 6 were put forward as capable of reading. Satisfactory answering being represented by the number 10, the marks obtained were: reading, 3·2; spelling, 3; writing, 3; arithmetic, 0; dictation, 0; grammar, 0; geography, 0; industrial instruction, 0. The teacher knows English only, and until January last was engaged in the St. Madeleine school, Naparima, where English is the language of the pupils. On the 1st of January the Board of Education transferred him to this school, where English is entirely unknown by the vast majority of the pupils. His services, therefore, are practically worthless.

9. There are only two Protestants in the school, the children of a police constable. No religious instruction is given to the pupils, in the school or elsewhere. This has not been always the case, for in the Visitors' Book I found an entry made by a Catholic clergyman, the Rev. Mr. Emmanuelli, in which he speaks most approvingly of the successful exertions of the former teacher, Mr. Fitzwilliam (now master of Iere village school), in assembling the pupils for religious instruction. Mr. Farfan in his report says, that "of 61 Catholic pupils examined, only 7 knew the Lord's Prayer, Creed, Ten Commandments, and prayers;" and Mr. Darling, speaking of the present teacher, then in St. Madeleine school, says, "he is a Protestant (a Wesleyan), attends church, and is a communicant."
His Excellency the Governor was present on the occasion of my visit, and examined the two Protestant pupils in religious knowledge. Their answering was ready and fluent, but mainly by rote.

10. Cost of support of school in 1868, 492 dollars 10 cents; or an average of 18 dollars 92 cents for each child who had given not less than 100 attendances.

St. Ann's and Laventille Ward School.

No. 4.—St. Ann's and Laventille Ward School.

1. House erected partly from the private funds of his Excellency the Governor, and partly from the funds of the ward; design very graceful; light and ventilation excellent; scarcely large enough for the unexpectedly large attendance.

2. Furniture consists of three desks, very inconveniently placed against the wall, and of a number of forms, &c.

3. Teacher, Lucius Estmond; age 60; married; trained; salary, 80 *l.* a year; was formerly teacher of the Tacarigua Ward School, where he had 100 *l.* a year; also taught the St. Joseph's and St. Juan's Ward Schools; zealous and painstaking, but broken down by age, and now scarcely capable of performing his work satisfactorily.

4. Organisation very inferior; no time table; no systematic arrangement of business; no regular plan of home lessons; discipline bad; an enormous leather strap freely applied by the master to reduce the pupils to order.

5. School records satisfactorily kept.

6. On rolls in 1868, 120 pupils, of whom 14 had each made not less than 100 attendances; 40 had each made from 50 to 100 attendances; whilst 66 had each made under 50 attendances. The average attendance was 63.

7. Average

Ward Schools.

7. Average age of the pupils, 10 years.

8. Number on rolls on day of visit, 103, of whom 77 (including 15 girls) were present. Nearly all speak Creole French.

In the upper classes, the interpretation of English into Creole was very fair. The master, however, never engaged his pupils in such an exercise. He thought, he said, that "Creole was forbidden in ward schools." Results of examination unsatisfactory in every subject requiring the slightest resort to judgment. Satisfactory answering being represented by the number 10, the results were: reading, 5·6; spelling, 3·7; dictation, 3; writing, 5; arithmetic, 1·3; grammar, 0·3; geography, 0·9; industrial instruction, 0. Teaching altogether on the rote principle.

9. There were 47 Catholics and 30 Protestants present. On Tuesday, at four o'clock, the Protestants of all denominations attend the Rev. Mr. Brodie, Presbyterian minister, at his meeting-house, for religious instruction. The Roman Catholics receive no religious instruction either in the school or elsewhere. Mr. Darling, when he visited on the 17th July, 1868, examined 25 Protestants, and found that only three of them could repeat the Lord's Prayer, Creed, and Ten Commandments. Mr. Farfan, on the occasion of his visit, found that of 25 Catholics examined, only seven knew the Lord's Prayer, Creed, and Ten Commandments. Mr. Darling, speaking of the teacher, says: "He is a Protestant; attends Church; is a communicant."

10. Cost of support of school in 1868, 823 dollars 22 cents. Of this amount, the sum of 400 dollars 80 cents. was expended on the building. The latter item being omitted, as not an ordinary expense, the average per pupil who had given at least 100 attendances is 30 dollars 18 cents., a fact which can scarcely be regarded as satisfactory.

I make reports on six Catholic and five Protestant non-endowed schools in Port of Spain and its neighbourhood. The Catholic schools are: St. Joseph's Convent, St. Dominick's, St. Patrick's Boys', St. Patrick's Girls', Corbeautown, and Belmont. The Protestant schools are: Cambridge-street, Chacon-street, All Saints, Belmont, and the Coolie school, Newtown.

No. 5.—Santa Cruz Ward School.

Santa Cruz Ward School.

1. House rented at 10 dollars a month; no out-offices; tolerably well adapted to school purposes.

2. There is only one desk (a double one) which is quite inadequate.

3. Teacher, George Horatio Durham; age 31; not married; trained; salary 80*l.* a year.

4. The time-tables are very elaborate; home lessons (in grammar only) prescribed for fourth and fifth classes. There is no clock: observance of the routine accordingly impossible.

5. School accounts in a satisfactory state.

6. On the rolls in 1868, 83 pupils, of whom 25 had each made not less than 100 attendances; 29 had each made from 50 to 100 attendances; and 29 had each made under 50 attendances. The average attendance was 35.

7. Average age of pupils, 11 years.

8. Number on rolls on day of visit, 70; of whom 45 (including two girls) were present. Results of examination, considered with reference to the ages of the children, miserably low. No correspondence between the classification and the attainments of the pupils. Satisfactory answering being represented by the number 10, the results were: reading, 3·7; spelling, 3; dictation, 3; writing, 4; arithmetic, 0·6; grammar, 0; geography, 1·7; industrial instruction, 0.

9. All the pupils were Roman Catholics. No religious instruction given in the school; only a few attend the Catholic Church for the purpose. Teacher states that when the children receive their first communion they cease to learn their catechism. The rule as to certificates of religious instruction is not observed. "The master," Mr. Farfan reports, "is a Roman Catholic, but not a communicant;" Mr. Farfan also reports that "of 45 Roman Catholic pupils examined, only nine knew the Lord's Prayer, Creed, and Ten Commandments."

10. The amount expended on the support of the school in 1868 was 504 dollars, or an average of 20 dollars 16 cents. per pupil who had given not less than 100 attendances. This appears to me to be merely a waste of public money.

The absence of girls is a remarkable feature of this school. As already stated, of 45 pupils present, only two were girls. The master explained this by informing me that the people of the neighbourhood entertain a repugnance to a mixture of girls and boys at the same school. I received a different explanation, however, from the parish priest, who lives at a short distance from the school. This explanation contained the recital of a charge of gross immorality which had been made against the teacher. The charge was investigated last year by the inspector of schools, and the issue was the acquittal of the teacher.

Ward Schools.

No. 6.—San Juan Ward School.

San Juan Ward School.

1. House rented at 10 dollars a month; untidy-looking; out-offices in bad order; teacher's residence unfit for occupation. No play-ground.

2. Furniture utterly inadequate; only one desk.

3. Teacher, Robert Daniel; age, 30; married; trained (for six months only); salary, 80 *l.* a year; intelligent; fairly diligent.

4. There is a skilfully-contrived time-table, which, however, there being no clock, is not attended to. Home lessons prescribed in "political economy" only. Organisation generally defective.

5. School accounts correctly kept.

6. On rolls in 1868, 127, of whom 26 had each made not less than 100 attendances; 38 had each made from 50 to 100 attendances; and 63 had each made under 50 attendances. The average attendance was 45.

7. Average age of the pupils, 11 years.

8. Number on rolls on day of visit, 100, of whom 66 (including 16 girls) were present. Results of examination generally unsatisfactory. One boy answered well in arithmetic, one of the few I met with in the ward schools capable of doing a sum in simple proportion. But the general answering was inferior. Satisfactory answering being represented by the number 10, the marks obtained were: reading, 3·4; spelling, 3·2; dictation, 3·4; writing, 5 (but the latter is a result of Mr. Estmond's teaching, for since Mr. Daniel took charge in January there have been no copy-books for the use of the pupils); arithmetic, 3·1; grammar, 0; geography, 2·7; industrial instruction, 0; political economy, 0. The teacher very ostentatiously professed that instruction was given in political economy, There was not a single pupil, however, who knew the elementary definition of an article of value, or indeed who knew anything at all about the subject.

9. There was one Protestant pupil; the rest were Catholics. No religious instruction is given in the school. When I asked the teacher if the pupils went to the church for religious instruction, he replied that he "was not aware," that he "never inquired." The rule as to religious-instruction certificates is not observed.

Mr. Darling, reporting of the teacher (then in Iere Village ward school), says, "He is a Protestant (of the Church of England); attends the Presbyterian church; is not a communicant." Mr. Darling examined one Protestant child, who knew the Lord's Prayer, Creed, and Commandments.

Mr. Farfan reports that "of 32 Catholics examined, nine knew the Catechism; nine the Mysteries, Lord's Prayer, and Creed; and the rest knew nothing."

10. The amount expended on the support of the school in 1868 was 504 dollars, or an average of 19 dollars 38 cents per pupil who had given not less than 100 attendances.

In reference to the extraordinary want of school requisites, especially of copy-books, the teacher explained to me that he had made application to the warden, in January, for the necessary supply.

I was accompanied in my visit by Judge Fitzgerald, a member of the Board of Education.

[The Catholic school of St. Louis de Gonzaga, and the Protestant school of St. Matthias, lie on the road between Port of Spain and St. Juan. The Protestant school of St. John's, and the Coolie school at El Socorro, are not far from San Juan. I report upon them all.]

No. 7.—St. Joseph's Ward School.

St. Joseph's Ward School.

1. House the property of the ward; an irregularly-shaped building; area of floor, 454 square feet; no out-offices; no play-ground.

2. Desk accommodation inadequate.

3. Teacher, Joseph Daniel; married; trained; salary, 90 *l.* a year.

4. Time-table judicious.

5. The rolls and register are satisfactorily kept, but no report-book entry had been made since December.

6. In 1868 there were 98 on the rolls, of whom 27 had each made not less than 100 attendances; 22 had each made from 50 to 100 attendances; and 49 had each made under 50 attendances. The average attendance was 50.

7. Average age of the pupils, 11 years.

8. Number on rolls on day of visit, 78; of whom 43 (including 12 girls) were present. Results of examination unsatisfactory. Satisfactory answering being represented by the number 10, the marks obtained were: reading, 2·5; spelling, 2; dictation, 2; writing, 2·5; arithmetic, 1; grammar, 0; geography, 0; industrial instruction, 0. Of the 43 present, 30 were put forward by the master as learning only the Primer! There were only three classified in the Third Book, and none higher

9. There was one Protestant child present; the rest were Roman Catholics. No religious instruction is given in the school. On Wednesdays and Sundays the Catholics attend the church for religious instruction; on the Wednesdays with a pretty fair degree of regularity. The rule as to certificates of pupils' attendance at religious instruction is not observed.

Mr. Farfan

Ward Schools.

Mr. Farfan reports: "The master is a Protestant; sometimes attends Church; is not a communicant. Of 62 Catholic pupils examined, only 12 knew their Catechism pretty well; the remainder scarcely knew anything."

10. The amount expended on the support of the school in 1 68 was 706 dollars 96 cents., or an average of 26 dollars 18 cents. for each pupil who had made not less than 100 attendances.

Expenditure being compared with results, this appears to be a serious case.

[The St. Joseph's Catholic School is in the town of St. Joseph, and the Tuna-puna Protestant School lies between St. Joseph and St. Mary, Tacarigua. I report on both.]

No. 8.—Maraccas Ward School.

Maraccas Ward School.

1. House 32 feet by 16 feet; rented at eight dollars a month; no out-offices.
2. There are four desks, ample for the attendance.
3. Teacher, Michael Furlong; age, 44; a widower; trained; salary, 85 *l.* a year.
4. Organisation very imperfect; time-table injudicious; children not required to prepare lessons at home.
5. School records satisfactorily kept.
6. In 1868 there were 70 on the rolls, of whom 14 had each made not less than 100 attendances; 26 had each made from 50 to 100 attendances; and 30 had each made under 50 attendances. The average attendance was 29.
8. The number on the rolls on the day of my visit was 54, of whom 20 (all boys) were present. Thirteen of the 20 were in the Primer, and the remainder in the Second Book only. Results, of the most elementary character. Satisfactory answering being represented by the number 10, the results were: reading, 3; spelling, 4; dictation, 0; writing, 0; arithmetic, 0; grammar, 0; geography, 0; industrial instruction, 0. The children spoke either Spanish or French. With none of them is English the language of home. Hence, an energetic able teacher is required in the place.
9. The children are all Roman Catholics. The teacher is a Protestant. No religious instruction is given in the school.

The children do not attend the Catholic church for religious instruction. Even on Sundays they rarely go to the church, as it is some three or four miles off. Mr. Farfan reports: "The teacher is a Protestant; attends Church; is a communicant. Of the 28 children examined, only one knew the Catechism; 14 knew the Mysteries, Lord's Prayer, and Creed; six knew the Lord's Prayer only; and the rest knew nothing except making the sign of the cross."

10. The cost of support of the school in 1868 was 513 dollars 50 cents, or an average of 36 dollars 67 cents for each child who had made not less than 100 attendances. This is an immense expenditure, whilst the results are scarcely appreciable.

The absence of girls is a remarkable feature in the attendance. The master accounted for it by attributing it to the circumstance that the previous day had been a fête day at St. Joseph's. But Mr. Farfan, when he visited last year, found only two girls present.

I was accompanied in my visit by Mr. Justice Fitzgerald, a member of the Board of Education.

No. 9.—Caura Ward School.

Caura Ward School

1. House rent at 6½ dollars a month; earthen floor; no out-offices; unsuitable.
2. Furniture consists of three desks, forms, &c.
3. Teacher, Wellington Edwards; aged 37, a widower; trained for a short period; salary, 80 *l.* a year.
4. Organisation bad; time-table injudicious; no home lessons prescribed for the pupils.
5. Accounts in an unsatisfactory condition; register incomplete; no report-book since December.
6. In 1868 there was 66 on the rolls, of whom nine had each made not less than 100 attendances; 21 had each made from 50 to 100 attendances; and 36 had each made under 50 attendances. The average attendance was 21.
7. Average age of pupils, 9½ years.
8. The number on rolls on day of visit was 50, of whom 16 (including seven girls) were present. Eleven of the 16 were only learning the Primer. Of the remaining five, only one had advanced as high as the Third Book. The results of my examinations were exceedingly disappointing. Satisfactory answering being represented by the number 10, the results were: reading, 3·2; spelling, 1; writing, 2·5; dictation, 0; arithmetic, 1·2; grammar, 0; industrial instruction, 0; intelligence in translating from English to the patois of the place, very feeble.
9. The children are all Roman Catholics. No religious instruction is given in the school. It is a year since any of the children went to Church for religious instruction. Rule as to certificates of attendance not observed. Mr. Farfan reports that "the teacher is a Roman

 Catholic;

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Catholic; when he goes to St. Joseph's he attends Church; he is not a communicant. Of 18 pupils examined, only four knew the Mysteries, Lord's Prayer, Creed, and other prayers."

10. The amount expended on the support of the school in 1868 was 510 dollars; or an average of 56 dollars 66 cents. per pupil, who had given not less than 100 attendances. This is a case for grave consideration.

I was accompanied in my visit by Mr. Arthur Gordon, private secretary to his Excellency the Governor.

No. 10.—Tacarigua Ward School.

Tacarigua Ward School.

1. House rented at 16 dollars a month; in bad order at present.
2. The desks are placed round the walls; an inconvenient arrangement.
3. Teacher, Louis Alexis; age, 22; not married; trained; salary 85 *l.* a year; intelligent and energetic; scarcely responsible for defects of school, as he took charge only on 1st January of this year.
4. Time-table judicious.
5. Accounts accurately kept.
6. In 1868 there were 100 pupils on the rolls, of whom 19 had each given not less than 100 attendances; 24 had each given from 50 to 100 attendances; and 57 had given less than 50 attendances. The average attendance was 33.
7. Average age of pupils, 11 years.
8. Number on rolls on day of my visit, 67, of whom 34 (including 7 girls) were present. Satisfactory answering being represented by the number 10, the results were: reading, 4; spelling, 2·7; dictation, 2·6; writing, 4; arithmetic, 2; grammar, 1; geography, 3; industrial instruction, 0.
9. Twenty-one of the number on rolls were Roman Catholics, and 46 were Protestants. The teacher is a Roman Catholic, but he attends the service of the Protestant Church at Tacarigua, the nearest Roman Catholic Church being, he says, at an inconvenient distance, about two miles away. There is no religious instruction given in the school. The rule as to the certificate of attendance at religious instruction is not observed. On Wednesdays the Protestant pupils attend the Rev. Mr. Richards, at his infants' school, for religious instruction. Mr. Darling reports that of 24 Protestant pupils whom he examined, 16 could repeat the Lord's Prayer, Creed, and Ten Commandments. Mr. Farfan reports that of 11 Catholic pupils whom he examined, only one knew the Catechism. None were communicants.
10. The amount expended in 1868 on the support of the school was 672 dollars; or an average of 35 dollars 36 cents. per pupil who had made not less than 100 attendances.

There is a Protestant school in the village.

No. 11.—Arouca Ward School.

Arouca Ward School.

1. The house is the property of the ward; it was purchased for 800 dollars. The school-room is 32 feet by 16 feet. The out-offices are in bad order.
2. The desk-accommodation is insufficient.
3. Teacher, Peter Lagrinada-Gibbs; age, 35; married; trained for a short period; salary, 95 *l.* a year; freely used a leather strap in the chastisement of the pupils.
4. Time-table very elaborate; scarcely practicable to carry it out in so large a school, with only one teacher.
5. Accounts regularly kept.
6. In 1868 there were on the rolls 176 pupils, of whom 16 had each made not less than 100 attendances; 37 had each made from 50 to 100 attendances; whilst 123 had each made less than 50 attendances. The average attendance was 51.
7. Average age of pupils, 7½ years.
8. On the day of my visit there were 94 on the rolls, of whom 60 (including 26 girls) were present. The proficiency was unsatisfactory. Satisfactory answering being represented by the number 10, the results were: reading, 2·5; spelling, 1·8; dictation, 1·3; writing, 3·1; arithmetic, 1·9; grammar, 0; geography, 0; industrial instruction, 0.
9. Of those present, 25 were Roman Catholics; 31 were Protestants of the Church of England; and four were members of other denominations. The teacher is a member of the Church of England; but he says that as he believes a little of the doctrines of the different churches, he sometimes, on Sundays, attends the Catholic Church, sometimes the Protestant, &c. No religious instruction is given in the school. The rule as to certificates of attendance at religious instruction is not observed. Mr. Darling reports that "the teacher is not a communicant;" that "of 30 Protestant pupils examined, 21 could repeat the Lord's Prayer, Creed, and Ten Commandments;" and that "the Protestant pupils attend the Rev. Henry Richards for religious instruction on Wednesdays, from four to half-past five o'clock, and on Sundays before the afternoon service." Mr. Farfan reports that "of 14 Catholic

14 Catholic puplis examined, only one knew the Lord's Prayer, Creed, and Commandments." Ward Schools

10. The amoun expended on the support of the school during the year 1868, was 401 dollars 85 cents., or an average of 25 dollars 5 cents. for each pupil who had made not less than 100 attendances.

The opening of a school under the Catholic priest in the early part of last year reduced the attendance at this school very considerably.

Upon the recommendation of the inspector the master had recently got an increase of 15 *l.* to his salary, which had previously been 80 *l.* a year.

No. 12.—Arima Ward School.

1. House, the property of the ward; school-room 30 feet by 20 feet; suitable and commodious. Arima Ward School.

2. Furniture ample.

3. Teacher, George Alexander Cezair; age, 29; married; trained; salary, 90 *l.* a year; solicitous about affairs not connected with his school duties; engaged in an extensive correspondence with ward schoolmasters to petition the Governor for an increase of their salaries.

4. No home-lessons prescribed for the pupils.

5. School rolls in a satisfactory state; school register not fully filled up; entry for each day in report-book not made until the following morning.

6. In 1868 there were 123 pupils on the rolls, of whom 40 had each made not less than 100 attendances; 41 had each made from 50 to 100 attendances; and 42 had each made under 50 attendances. The average attendance was 55.

7. Average age of the pupils, nine years.

8. On the day of my visit there were 58 pupils present (including 20 girls). The parents of the pupils are chiefly Spanish and Indian; but, giving full consideration to this difficulty, I consider the results very discreditable. Satisfactory answering being represented by the number 10, the results were: reading, 3·2; spelling, 3·1; dictation, 2·4; writing, 4·5; arithmetic, 0·3; grammar, 0·6; geography, 0·3; industrial instruction, 0.

9. The children are all Roman Catholics. The teacher is a Roman Catholic. When asked what church he attended on Sundays, he replied, "The Romish Church I now and then attend." The Board of Education gave permission to the Roman Catholic priest to give religious instruction to the pupils in the school-room. The late priest availed himself of this license, but the present priest declines to visit the school. The children attend the Catholic Church for religious instruction: the girls on Wednesdays and the boys on Saturdays. The priest reported to me that the attendance on those occasions was exceedingly small and irregular. The rule as to certificates of attendance at religious instruction is not observed. Mr. Farfan reports that "the teacher is not a communicant;" and that "of 66 Catholics examined, only 12 knew the Mysteries, and could say their prayers."

10. The amount expended on the support of the school in 1868 was 500 dollars; or an average of 12 dollars 50 cents. for each pupil who had given not less than 100 attendances.

I was accompanied in my visit by Mr. Wilson, Private Secretary to his Excellency the Governor, and by Mr. Sylvester Devinish, crown surveyor.

There is a Catholic school in the place.

No. 13.—Chaguanas Ward School

1. House rented at 15 dollars a month; ricketty and unsuitable; supply of water bad. Chaguanas Ward School.

2. Very narrow desks, which are inconveniently placed against the walls of three sides of the school-room.

3. Teacher, John Skerrett; age, 29; married; trained; salary 100 *l.* a year.

4. Time-table elaborate, but injudicious. Home-lessons prescribed in grammar and spelling only.

5. School records satisfactorily kept.

6. In 1868 there were 86 on the rolls, of whom 28 had each given not less than 100 attendances; 23 had each given from 50 to 100 attendances; and 35 had each given less than 50 attendances. The average attendance was 41.

7. Average age of the pupils, eight years.

8. The number on the rolls on the day of my visit was 81, of whom 57 (including 24 girls) were present. Satisfactory answering being represented by the number 10, the results were: reading, 3·6; spelling, 3·4; dictation, 1·9; writing, 4·5; arithmetic, 0·8; grammar, 0; geography (of Trinidad), 5; industrial instruction, 0.

Upon two days of the week the pupils of the fifth class read Goldsmith's "History of England," a book which is unmistakably unsuitable for use in a school attended largely by Catholic children.

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9. Thirty-one Roman Catholics and 26 Protestants were present on the day of my visit. No religious instruction is given in the school. The rule as to certificates of attendance at religious instruction is not observed. Mr. Darling reports that "the master is a Protestant; attends Church; and is a communicant." Mr. Farfan reports that "of 25 Catholics examined, only two knew the Lord's Prayer, Creed, Ten Commandments, and Mysteries."

10. The amount expended on the support of the school during 1868, was 663 dollars 42 cents, or an average of 23 dollars 80 cents per pupil, who had given not less than 100 attendances.

No. 14.—Couva Ward School.

Couva Ward School.

1. House, the property of the ward; school-room 35 feet by 15; floor and roof in bad repair; house utterly unsuitable to school purposes.
2. Desks inconveniently arranged along side walls.
3. Teacher, Henry C. Paul; age, 36; married; trained; salary, 100 *l.* a year.
4. No arrangement for home-lessons.
5. School records satisfactorily kept.
6. In 1868 there were 57 on the rolls, of whom 16 had each given not less than 100 attendances; 17 had each given from 50 to 100 attendances; and 24 had each given under 50 attendances. The average attendance was 21.
7. Average age of pupils, nine years.
8. On the day of my visit there were 45 on the rolls, of whom 22 (including eight girls) were assembled for examination. The results were not satisfactory. The deficiencies in arithmetic were remarkably striking. Satisfactory answering being represented by the number 10; the results were: reading, 4·1; spelling, 3; dictation, 2; writing, 3·8; arithmetic, 0; grammar, 0; geography, 0; industrial instruction, 0.

9. Of the pupils present, four were Roman Catholics, 15 were members of the Church of England, and three were members of other religious denominations. "The master," Mr. Farfan reports, "is a Catholic, sometimes assists at Church on Sundays; is not a communicant."

There is no religious instruction given in the school-room. On being asked if the Catholics received religious instruction elsewhere on the Wednesdays or Saturdays, the master replied that "he was not aware." On being asked the same question with reference to the Protestant pupils, he said, addressing the children, "Don't a few of you go on Wednesdays to receive religious instruction?"

The rule as to certificates of attendance at religious instruction is not observed. Mr. Darling reports that, "of 11 Protestant pupils examined, only four knew the Lord's Prayer, Creed, and Ten Commandments;" and Mr. Farfan reports that "four Catholic pupils, when examined, knew only the Lord's Prayer and Creed."

10. The amount expended on the support of this school in 1868 was 574 dollars 20 cents; or an average of 35 dollars 88 cents for each pupil who had given not less than 100 attendances.

[I also report on the Protestant school of Couva, and on the Protestant school of St. Sylvan, in the parish of Couva.]

No. 15.—Savanetta Ward School.

Savanetta Ward School.

1. House rented at 10 dollars a month; roof in bad repair; altogether unsuitable.
2. Furniture ample.
3. Teacher, Edward Fraser; age, 50; married; trained; salary, 90 *l.* a year.
4. Organisation imperfect; no arrangement for home lessons.
5. The school register is incomplete. Since April 1867 teacher has simply registered the names, &c., on a fly-leaf.
6. The number on the rolls in 1868 was 70, of whom 11 had each given not less than 100 attendances; 16 had each given from 50 to 100 attendances; and 43 had each given under 50 attendances. The average attendance was 19.
7. Average age of pupils, 12 years.
8. On the day of my visit the number on the rolls was 55, of whom 20 (including six girls) were present. The answering was miserably low. Satisfactory answering being represented by the number 10, the results were: reading, 2; spelling, 2·2; dictation, 2·1; writing (on slates only), 4·1; arithmetic, 1·1; grammar, 0; geography, 0·3; industrial instruction, 0.

The children do not write on paper. The master says their parents will not purchase any for them.

9. Of the pupils present, 16 were members of the Church of England, two were Methodists, and two were Roman Catholics. There is no religious instruction given in the school-room. On Wednesdays the Protestant pupils attend the Phœnix Park Protestant school for religious instruction. Mr. Darling reports that "the master is a Protestant; attends Church; is not a communicant:" and that of 18 Protestant pupils examined, 12 could

could repeat the Lord's Prayer, Creed, and Commandments." Mr. Farfan examined one Catholic child, who only knew the Lord's Prayer and Creed. Ward Schools.

10. The amount expended on the support of this school in 1868 was 639 dollars 7 cents., or an average of 58 dollars 10 cents. for each pupil who had made not less than 100 attendances.

This case demands the gravest consideration.

[I also report on the Protestant schools of Providence and St. Simon's, in the same parish as this school.]

No. 16.—Point-à-Pierre Ward School.

Point-à-Pierre Ward School.

1. House rented at eight dollars a month; in bad order; unsuitable.

2. The furniture consists of one desk; the school-room presents a very wretched appearance.

3. Teacher, John Callender; age, 40; married; trained for 2½ years in the normal school; salary, 70 *l.* a year.

4. Organisation bad; no provision for home-lessons.

5. The school records were posted up to the day of my visit.

6. The number on the rolls in 1868 was 52, of whom six had each given not less than 100 attendances; 18 had each given from 50 to 100 attendances; and 28 had each given less than 50 attendances. The average attendance was 15.

7. Average age of pupils, nine years.

8. On the day of my visit, it was a Saturday, the number on the roll was 33. The teacher had to summon the pupils in the immediate neighbourhood; and the result was, the attendance of five boys and one girl. On the previous day there had been 19 present, of whom only eight were classified higher than the Primer; of these eight, I had five before me; one of them being the head boy of the school. I therefore felt satisfied that I had a fair sample of the school in the few who were present. The answering was very bad, except in the case of the head boy, the teacher's own son, who in some respects acquitted himself tolerably well. Satisfactory answering being represented by the number 10; the results were: reading, 3; spelling, 4; dictation, 4; writing, 3; arithmetic, 3; grammar, 0; geography, 3; industrial instruction, 0.

9. The six pupils were Protestants. At present there is no religious instruction given in the school. In his report of the 19th November 1868, Mr. Guppy, the inspector of schools, says: "At this school an irregularity has been sanctioned upon the request of the clergyman of the English church, Mr. Laurie. Tuesday is made the day for religious instruction instead of Wednesday; but, notwithstanding this compliance with the wishes of the English clergyman, he has not attended during this quarter." The rule as to certificates of attendance at religious instruction is not observed. Mr. Darling reports that "at the close of the year 1867, there were on the rolls 22 Catholics and 14 Protestants;" that "of eight Protestants" whom he examined, "six could repeat the Lord's Prayer and Creed, and two the Lord's Prayer only;" and that "the teacher is a Protestant; attends Church; but is not a communicant." Mr. Farfan, reporting of four Catholic pupils whom he examined, says, that "only one knew as much as the Lord's Prayer."

10. The amount expended on the support of this school in 1868 was 432 dollars; or an average of 72 dollars for each pupil who had given not less than 100 attendances.

Within a mile of this school a Catholic school has been established by the priest of the parish, which circumstance accounts for the absence of Catholic pupils. Last year there were 14 Catholics in this ward school.

The Board of Education gave the Rev. Mr. Laurie, the Church of England clergyman of the parish, the use of the school-room on Sundays, for public worship. The teacher informed me that Mr. Laurie had not availed himself of this privilege for the last year or so.

Subsequently to the date of my visit, the Board of Education, on the report and recommendation of Mr. Guppy, the inspector of schools, dismissed the teacher for failure and continued inefficiency.

No. 17.—St. Joseph's, Naparima, Ward School.

St. Joseph's, Naparima, Ward School.

1. House the property of the ward; out-offices in bad order; school-room too small; unsuitable.

2. There are only three small desks; quite inadequate.

3. Teacher, Alexander Birmingham; age, 24; not married; trained in normal school for three years; salary, 90 *l.* a year; in charge only since 1st January; previously in charge of Laventille ward school; smart and intelligent.

4. Time-table judicious.

5. School records satisfactorily kept.

6. On the rolls in 1868, 77 pupils, of whom 31 had each given not less than 100 attendances; 25 had each given from 50 to 100 attendances; and 21 had each given under 50 attendances. The average attendance was 41.

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7. Average age of pupils, 8½ years.

8. On the day of my visit, there were 81 pupils on the rolls, of whom 65 (including 27 girls) were present. Satisfactory answering being represented by the number 10, the results were: reading, 4·5; spelling, 5·6; dictation, 4·4; writing, 4; arithmetic, 2·2; grammar, 1; geography, 2; industrial instruction, 0. Translation of English into the Creole patois, pretty fluent.

9. Of the 81 on the rolls, 56 were Catholics, 19 were members of the Church of England, and six belonged to other religious persuasions. The teacher is a Roman Catholic; but since his arrival in St. Joseph's (seven weeks ago) he has not attended any place of worship. Mr. Farfan, reporting on him when teacher of Laventille ward school, says: "He attends Church regularly, and is a communicant." Reporting upon his examination of this school, Mr. Farfan says that, "of 16 Catholic pupils present, only two knew the Lord's Prayer, Creed, and Ten Commandments." Mr. Darling reporting of 12 Protestant pupils whom he examined, says, that "only one knew the Lord's Prayer, Creed, and Ten Commandments."

10. Cost of maintaining the school in 1868, 464 dollars 43 cents., or an average of 14 dollars 98 cents. for each pupil who had given not less than 100 attendances.

The master teaches singing, and accompanies himself on the harmonium. The song which he got the children to sing for me belonged to the Negro school of minstrelsy.

No. 18.—St. Madeleine Ward School.

St. Madeleine Ward School.

1. House rented at 12 dollars a month; walls disfigured; school-room untidy, and too small.

2. There are only two desks; furniture unsuitable.

3. Teacher, Robert Greenidge; age, 34; married; trained (for four months only); salary 100 *l.* a year; in charge of this school only since 1st January.

4. Time-table judiciously planned, but, there being no clock, the arrangements set forth can scarcely be properly carried out.

5. The register is kept very imperfectly, the religion of many of the pupils not being recorded.

6. On the rolls in 1868, 107 pupils, of whom 14 had each made not less than 100 attendances; 23 had each made from 50 to 100 attendances; and 70 had each made under 50 attendances. The average attendance was 28.

7. Average age of pupils, 14 years.

8. On the day of my visit there were 87 on the rolls, of whom 61 (including 23 girls) were present. Satisfactory answering being represented by the number 10, the results were: reading, 4; spelling, 5; dictation, 3; writing, 4; arithmetic, 2; grammar, 0·8; geography, 1·8; industrial instruction, 0; discipline, bad.

9. Of the 87 on rolls, 51 were Protestants, and 36 were Catholics. No religious instruction is given in the school; nor do the pupils attend elsewhere for religious instruction. Reporting on the master, then in the Oropouche school, Mr. Darling says: "He is a Protestant, attends Church, and is a communicant;" and, reporting on the religious instruction of the pupils of this school, Mr. Darling says that "of 12 Protestants examined, six could repeat the Lord's Prayer, Creed, and Ten Commandments." Mr. Farfan says, that, "of five Catholic pupils examined, only two knew the Lord's Prayer, the Creed, and the Mysteries."

10. The amount expended on the support of the school in 1868 was 640 dollars 51 cents.; or an average of 45 dollars 75 cents. per pupil who had given not less than 100 attendances.

St. Clement's Protestant school is at a short distance from this

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No. 19.—Iere Village Ward School.

Iere Village Ward School.

1. House the property of the ward; no out-offices; school-room, 16 feet by 30 feet; wants a gallery or class-room.

2. There are only three desks, which are inconveniently placed round the wall, the pupils, when seated, facing the wall.

3. Teacher, James Frederick Fitzwilliam; age, 21; not married; trained; salary 90 *l.* a year; intelligent.

4. Organisation very defective; time-table injudicious.

5. School records fairly kept.

6. On the rolls, in 1868, 71 pupils, of whom 25 had each given not less than 100 attendances; 13 had each given from 50 to 100 attendances; and 33 had each given less than 50 attendances. Average attendance, 30.

7. Average age of the pupils, 10·4 years.

8. On the day of my visit the number on the rolls was 60, of whom 49 (including 17 girls) were present. The answering was unsatisfactory. Satisfactory answering being represented by the number 10, the results were: reading, 4; spelling, 3·6; dictation, 5·1; writing,

writing, 4 (only four pens altogether in the school); arithmetic, 3·1; grammar, 1·2; geography, 1·6; industrial instruction, 0. Discipline very bad. Copying or prompting, universal. Ward Schools.

9. Of the 60 on the rolls, 52 were Protestant Dissenters, three were members of the Church of England, and five were Roman Catholics. There is no religious instruction given in the school. The teacher could give me no reliable information as to whether the children attended for religious instruction elsewhere. The rule as to certificates of attendance at religious instruction is not observed. Mr. Farfan, reporting on the teacher (then in charge of the Maraval school) says, "He is a Roman Catholic; attends Church regularly; is not a communicant." Reporting on the religious knowledge of the Catholic pupils of this school, Mr. Farfan observes: "The master (R. J. Daniell) says that the Catholics as well as the Church of England Protestants attend every week to the religious instruction given at the Presbyterian church. Of seven Catholics examined, four only knew so much as the Lord's Prayer and Creed." Mr. Darling says: "Of 16 Protestant pupils examined, five knew the Lord's Prayer, the Creed, and the Ten Commandments."

10. The amount expended on the support of this school in 1868 was 686 dollars 81 cents., or an average of 27 dollars 47 cents. for each pupil who had made not less than 100 attendances.

In Iere Village there is also a non-endowed coolie school.

No. 20.—Savanna Grande, Mission, Ward School.

1. House rented at 12 dollars a month; commodious; suitable.
2. Desk accommodation scarcely ample.
3. Teacher, Eugene Wears; age 28; married; trained; salary 100 *l.* a year. Savanna Grande, Mission, Ward School.
4. Organisation imperfect; time-table not adhered to, a new one being in preparation.
5. The school rolls have not been kept since the 1st January.
6. On the rolls in 1868, 142 pupils, of whom 46 had each given not less than 100 attendances; 62 had each given from 50 to 100 attendances; and 34 had each given under 50 attendances. Average attendance, 66.
7. Average age of pupils, 10 years.
8. On the day of my visit there were 120 on rolls, of whom 100 (including 40 girls) were present. I was assisted in the examination by the inspector of schools, who examined the second and sequel classes. Satisfactory answering being represented by the number 10; the results were: reading, 5·1; spelling, 4·6; writing, 4 (only four pens in the school) the attendance 100; dictation, 4·8; arithmetic, 2·8; grammar, 2; geography, 0; industrial instruction, 0.
9. Of the 120 on the rolls, 61 were Roman Catholics, 39 were members of the Church of England, and 20 were members of other persuasions. No religious instruction given in the school, and no evidence that the children attended elsewhere for religious instruction. The Rev. Mr. Gillott, the clergyman of the Church of England, informed me that the Church of England pupils do not attend at all regularly upon him for their religious instruction on Wednesdays. Reporting on the teacher (then in charge of the St. Joseph's Naparima school), Mr. Darling says: "He is a Protestant, attends Church, is not a communicant;" and, reporting on the religious knowledge of the Protestant pupils of this school, the same gentleman says that, "of 32 examined, 11 could repeat the Lord's Prayer, Creed, and Ten Commandments." Reporting on the religious knowledge of the Catholic pupils, Mr. Farfan says that, "of 28 examined, only one knew the Lord's Prayer, Creed and Ten Commandments."
10. The amount expended on the support of this school in 1868, was 637 dollars 62 cents.; or an average of 13 dollars 86 cents. per pupil who had given not less than 100 attendances.

No. 21.—Indian Walk Ward School.

1. House the property of the ward; in very bad repair; otherwise suitable. There are $6\frac{2}{5}$ acres of land, in bush, attached to the school, which land also is the property of the ward. Indian Walk Ward School.
2. Desk accommodation insufficient.
3. Teacher, Elijah Bonnett; age 30; not married; trained; salary 80 *l.* a year.
4. Organisation bad; time-table injudicious.
5. The school register is imperfect; it fails to exhibit the progress of the pupils from class to class.
6. On the rolls in 1868 there were 94 pupils, of whom 29 had each given not less than 100 attendances; 22 had each given from 50 to 100 attendances; and 43 had each given under 50 attendances. The average attendance was 35.
7. Average age of pupils, 10 years.
8. On the day of my visit there were 68 on the rolls, of whom 25 (including 11 girls) were present. [Eleven boys and six girls arrived three-quarters of an hour after the time

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for beginning the day's business, and after I had commenced the examination; but as I did not examine them, I do not include them in the number I return as present.] Results unsatisfactory. Satisfactory answering being represented by the number 10, the results were: reading 3·5; spelling, 4; dictation, 0; writing, not a single copybook in the school; not one to be seen as a specimen of writing; "out" of copybooks since November; arithmetic, 0; grammar, 0; geography, 0; industrial instruction, 0.

Some of the children have been in the Primer upwards of two years.

9. Of the 68 on the rolls, 54 are Dissenters, 10 are members of the Church of England, and four are Roman Catholics. There is no religious instruction given in the school-room. A few of the Protestants attend the religious instruction given by Mr. Jamison, Church of England Cathecist, at Dunmore Hill, on Wednesdays. The rule as to certificates of attendance at religious instruction is not observed. Reporting on the school, Mr. Darling says: "The teacher is a Protestant, and a communicant. Of 22 Protestants examined, four could repeat the Lord's Prayer, Creed, and Ten Commandments."

10. The amount expended on this school in 1868 was 458 dollars 75 cents., or an average of 15 dollars 80 cents for each pupil who given not less than 100 attendances.

The Dunmore Hill Protestant school (*see* report) is at a short distance from this school.

No. 22.—Victoria Village Ward School.

Victoria Village Ward School

1. House rented at 15 dollars a month; no out-offices; position bad; immediately adjoins a distillery, the lees of which, I was informed, were at times exceedingly offensive and sickening.

2. Desks badly placed.

3. Teacher, George W. Arkless; age, 34; married; trained; salary 90 *l.* a year; diligent.

4. Time-table judicious, but, there being no clock, it cannot be strictly attended to.

5. The religions and ages of the pupils omitted, in several cases, in the register.

6. On the roll, in 1868, 112 pupils, of whom 40 had each given not less than 100 attendances; 38 had each given from 50 to 100 attendances; and 34 had each given under 50 attendances. Average attendance, 50.

7. Average age of pupils, 10½ years.

8. On the day of my visit there were 81 on the rolls, of whom 56 (including 23 girls) were present. Satisfactory answering being represented by the number 10; the results were: reading, 4·8; spelling, 5·1; dictation, 4; writing, 4; arithmetic, 0·7; grammar, 2; geography, 0·8; industrial instruction, 0. Singing practised in unison; character of songs very low. The refrain of a song which the pupils sang for me is, "That's not *me* nor *you*."

9. Of the 56 present, 37 were members of the Church of England, nine belonged to dissenting persuasions, and 10 were Roman Catholics. There is no religious instruction given in the school, and no evidence was produced to me that the pupils attended elsewhere for such instruction. The rule as to certificates of attendance at religious instruction is not observed. Mr. Darling in his report says: "The master is a Presbyterian, attends Church, and is a communicant. Of 48 Protestants examined, 26 could repeat the Lord's Prayer, the Creed, and the Ten Commandments." Mr. Farfan says: "Of five Catholic pupils examined, only two knew so much as the Lord's Prayer and Creed."

10. The amount expended on the school in 1868, was 622 dollars 95 cents., or an average of 15 dollars 57 cents. for each pupil who had made not less than 100 attendances.

No. 23.—Canaan Village Ward School.

Canaan Village Ward School.

1. House rented at 7 dollars a month; no out-offices; situated at one of the angles of cross-roads, and next door to a smithy; position dusty and noisy.

2. Furniture ample and well arranged.

3. Teacher, William Robinson; age, 58; married; trained; salary, 90 *l.* a year.

4. No partition of the day for the several lessons or classes; no arrangement for home lessons.

5. The school register is very imperfectly kept, the ages and religions of the pupils being in many cases omitted.

6. On the rolls in 1868, there were 64 pupils, of whom 25 had each given not less than 100 attendances; 16 had each given from 50 to 100 attendances; and 23 had each given less than 50 attendances. The average attendance was 28.

7. Average age of pupils, 11 years.

8. Of 58 on the rolls on the day of my visit, 29 (including 13 girls) were present. [Of four who came in late I took no account.] The results of the examination were disappointing. Satisfactory answering being represented by the number 10; the results were: reading, 2·8; spelling, 3·6; dictation, 1·3; writing, 3·6 (only four pens in the school); arithmetic, 1; grammar, 0; geography, 1·1; industrial instruction, 0.

9. Of the 58 on the rolls, 44 were Catholics, and 14 Protestants. There is no religious instruction given to the pupils either in the school or elsewhere. Mr. Darling in his report says:

says: "The master is a Protestant; does not attend Church regularly; is a communicant. Of four Protestant pupils examined, two could repeat the Lord's Prayer, the Creed, and the Ten Commandments." Mr. Farfan says: "Of 16 Catholics examined, only two knew the Lord's Prayer, the Creed, the Commandments, and the other prayers." Ward Schools.

10. The amount expended on the school in 1868 was 621 dollars 69 cents., or an average of 24 dollars 86 cents. per pupil who had made not less than 100 attendances.

No. 24.—Oropouche Ward School.

1. House rented at 10 dollars a month; school-room too small; in extremely bad repair; holes in the floor, many of the boards of which are rotten; atmosphere pestiferous. House altogether unsuitable. Oropouche Ward School.

2. There is only one desk; quite inadequate.

3. Teacher, William H. Sealy, age 36, not married; trained; salary 90 *l.* a-year.

4. Time-table injudicious; organisation imperfect.

5. The school-rolls were not forthcoming. Teacher explained that they were kept in a box which he had lent to a friend. The school-register is very imperfectly kept, on a temporary form. In his report of 9th November 1868, on the Mission School, of which Mr. Sealy then had charge, Mr. Guppy, inspector of schools, complains that "teacher was guilty of an irregularity in his school accounts."

6. On the school-roll, in 1868, there were 82 pupils, of whom 21 had each made not less than 100 attendances; 21 had each made from 50 to 100 attendances, and 40 had each made under 50 attendances; the average attendance was 29.

7. Average age of pupils, 9½ years. One of the girls present was said to be only 13 years of age, but she appeared to be quite a young woman.

8. On the day of my visit there were 79 on the rolls, of whom 41 (including 16 girls) were present. Proficiency of the pupils miserably low. Satisfactory answering being represented by the number 10; the results were: reading 2·4; spelling, 0·8; dictation, 0·2; writing, 2·1; arithmetic, 0·7; grammar, 0; geography, 0·8; industrial instruction, 0. The present teacher is in charge only since 1st January, but a good deal of the responsibility for the defects rests upon his shoulders. The former teacher was Mr. Greenidge, now in St. Madelaine School.

9. Of the 41 present, 30 were Catholics and 11 Protestants. No religious instruction is given in the school. A few of the Protestants attend the clerk of the church on Wednesdays for religious instruction. The Catholic pupils do not attend anywhere for such instruction. The rule as to certificates of attendance at religious instruction is not observed.

Reporting on Mr. Sealy (then in charge of the Mission School), Mr. Darling says: "He is a Protestant; does not attend Church regularly; is not a communicant;" and reporting on the religious knowledge of the Protestants of this school, he says: "Of the four examined, all could repeat the Lord's Prayer and the Ten Commandments." Mr. Farfan in his report says: "Of 12 Catholics examined four knew the Lord's Prayer, the Creed, the Ten Commandments, and a little Bible history."

10. The amount expended on this school in 1868 was 558 dollars 75 cents., or an average of 26 dollar 60 cents. per pupil who had made not less than 100 attendances.

No. 25.—La Brea Ward School.

1. House the property of the ward; school-room small (20 feet by 20 feet), but comfortable; out-offices in bad order. La Brea Ward School.

2. Furniture sufficient.

3. Teacher, James Daniel; aged 34; a widower; trained; salary 125 *l.* a year (for this and Guapo Ward School, each of which he teaches three days weekly); clever and energetic.

4. Organisation tolerably fair; no clock in school.

5. Accounts satisfactory.

6. On the school-rolls in 1868 there were 37 pupils, of whom 13 had each given not less than 100 attendances; 10 had each given from 50 to 100 attendances; and 14 had each given under 50 attendances. Average attendance, 19.

7. Average age of pupils, 10 years.

8. Of 37 on the rolls on the day of my visit, 28 (including 13 girls) were present. Satisfactory answering being represented by the number 10; the results were: Reading, 4·1; spelling, 4·5; dictation, 3·5; writing, 4·4; arithmetic, 1·1; grammar, 0; geography, 2·8; industrial instruction, 0.

For the six months previous to my visit the school had been without a supply of stationery.

9. All the pupils present were Catholics. No religious instruction is provided either in the

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the school or elsewhere. There is no resident clergyman in the place. Mr. Farfan in his report says: "The master is a Protestant; has no Protestant church to attend; is not a communicant. Of 15 pupils present, only four knew the Lord's Prayer, the Creed, the Ten Commandments, and the Mysteries."

10. The amount expended on this school in 1868 was 369 dollars 70 cents.; or an average of 28 dollars 44 cents. per pupil who had given not less than 100 attendances in the year.

No. 26.—Guapo Ward School.

Guapo Ward School.

1. House, the property of the ward; in very bad order; unsuitable.
2. Desk accommodation sufficient.
3. (*See* notes on La Brea school; same teacher).
4. (Same observations as in case of La Brea).
5. The ages of the pupils are rarely inserted in the register.
6. On the rolls in 1868 there were 38 pupils, of whom six had each made not less than 100 attendances; 18 had each made from 50 to 100 attendances; and 14 had each made less than 50 attendances. Average attendance, 20.
7. Average age of pupils, nine years.
8. On the day of my visit there were 33 on the rolls, of whom 20 (including 10 girls) were present. The proficiency could scarcely be lower. Satisfactory answering being represented by the number 10; the results were: reading, 2; spelling, 2; writing, 1; arithmetic, 0; dictation, 0; grammar, 0; geography, 0; industrial instruction, 0. Of the 20 present, 17 were in the Primer. Only one child had a copy-book. There had been no supply of stationery in the school for six months. A month previous to my visit a requisition for school requisites had been sent to the warden.
9. All the pupils in the school are Catholics. No religious instruction is provided for them, either in or out of the school-house. Mr. Farfan in his report says: "Of 16 Catholics examined only three knew the Lord's Prayer, the Creed, the Commandments, and the mystery of the Trinity." When I myself examined, I found the whole of the children utterly ignorant of all the essential principles of religion.
10. The amount expended on this school in 1868 was 312 dollars 82 cents.; or an average of 52 dollars 13 cents. per pupil who had given not less than 100 attendances.

The public money has been literally thrown away in this case, for the results are nearly *nil*.

No. 27.—Cedros Ward School.

Cedros Ward School.

1. House the property of the ward; no out offices; school-room commodious and suitable.

This school-room is used as a Protestant Church; when there is a resident Protestant clergyman service is held in it every Sunday; at present there is no resident Protestant clergyman, but Archdeacon Cummins officiates in the school-room once a *month*.

2. The desk accommodation is insufficient.
3. Teacher, Ashton Walker, age 33, married; trained; salary 100 *l.* a-year.
4. Time-table pretty judicious. No arrangement for home lessons.
5. The ages of the pupils not always recorded in the register. The daily report of attendance not entered on an official form.
6. On the rolls in 1868, 90 pupils, of whom 27 had each made not less than 100 attendances, 37 had each made from 50 to 100 attendances, and 26 had each made under 50 attendances; the average attendance was 37.
7. Average age of pupils, 10 years.
8. On the day of my visit there were 82 on the rolls, of whom 35 (including 1 girl) were present. The results were very unsatisfactory. Satisfactory answering being represented by the number 10; the results were: reading, 2·5; spelling, 2·3; dictation, 3·1; writing, 3; arithmetic, 1·6; grammar, 0; geography, 0; industrial instruction, 0.
9. There were present 31 Catholics and four Protestants. No religious instruction is given in the school-room, except as already stated, when the Protestant public worship is celebrated in it. Some of the Roman Catholics attend the priest for religious instruction on Wednesdays. The rule as to certificates of attendance at religious instruction is not observed. Mr. Darling, in his report, says: "The teacher is a Protestant; attends Church; is a communicant; of 14 Protestant pupils examined, only three could repeat the Lord's Prayer, the Creed, and Ten Commandments." Mr. Forfan says,: "Of 38 Catholics examined, only three knew the Lord's Prayer, Creed, Ten Commandments, and Mysteries."
10. The amount expended on this school in 1868 was 525 dollars 54 cents., or an average of 19 dollars 46 cents. per pupil who had made not less than 100 attendances.

The absence of girls from this school is very remarkable, there was only one girl present on the day of my visit.

In December last, the corporal of police at Cedros charged the teacher with the seduction of his daughter. An investigation into the case was ordered by the Board of Education on the 27th March. The teacher was acquitted.

No. 28.—Icacos Ward School.

Icacos Ward School.

1. House the property of the ward; very neat and commodious; no out-offices.
2. Only one desk; no master's table.
3. Teacher, George Day; age, 40; married; trained; salary, 70*l.* a year; ignorant of the patois which the children universally speak.
4. Organisation bad; time-table injudicious; no clock.
5. School accounts correct. The daily report is not entered until four o'clock in the afternoon.
6. On the rolls in 1868, 70 pupils, of whom 25 had each given not less than 100 attendances; 21 had each given from 50 to 100 attendances; and 24 had each given under 50 attendances. The average attendance was 34.
7. Average age of pupils, eight years.
8. On the day of my visit there were 55 on the rolls, of whom 23 (including 11 girls) were present; 15 of the 23 were in the Primer. The proficiency of the pupils was exceedingly unsatisfactory. Satisfactory answering being represented by the number 10; the results were: reading, 2·1; spelling, 1·6; dictation, 1·6; writing, 5; arithmetic, 2·6; grammar, 0·4; geography, 0·3; industrial instruction, 0.
9. All the children of the school are Catholics, except the teacher's own two children, who are Baptists. There is no religious instruction given in the school-room. In the evening or morning a carpenter in the neighbourhood gives religious instruction to the Catholics. The rule as to certificates of attendance at religious instruction is not observed by the teacher. Indeed, he was ignorant of the fact that there was any such rule, and he persistently denied the possibility of its existence. Mr. Farfan in his report says: "The master is a Baptist; does not attend Church, as there is none; is a communicant. Of 36 Catholics examined, none knew the Ten Commandments, but 22 knew the Lord's Prayer and Creed."
10. Amount expended on the school in 1868, 1,072 dollars 1 cent. Of this sum, 710 dollars were expended in the erection of the building; and this sum being deducted, a balance of 362 dollars 1 cent. remains, which gives an average of 14 dollars 48 cents. for each pupil who had made not less than 100 attendances.

The hour for commencing business is nine o'clock. During my examination of the pupils, a man who had three children in the school entered the room, and complained that business rarely commenced until 10 or 11 o'clock daily. The master denied this; but the complainant stoutly maintained the accuracy of his charge. Of course I was in no position to inquire into the case.

Mr. Bennett, of St. Marie, Cedros, who takes a great interest in educational affairs, accompanied me on the occasion of my visit.

No. 29.—Erin Ward School.

Erin Ward School.

1. School held in Protestant house of worship; the pulpit, communion table, &c., being undisturbed during school hours. The Venerable Archdeacon Cummins officiates once a month, and the teacher, as Protestant catechist of the parish, officiates on the other Sundays. The school was opened as a ward school on the 22nd January 1866.
2. The fittings are not suitable for school purposes. There are no desks.
3. Teacher, James Henry Herbert; age 28; married; trained in college, Mission Hall, Barbados; also passed an examination at model school, Port of Spain; salary as ward schoolmaster 60*l.* a year, and as licensed catechist 25*l.* a year. The latter sum he receives from the Bishop of Barbados. He is intelligent, earnest, and warmly devoted to his duties.
4. Owing to a want of proper school furniture, the organisation is necessarily imperfect.
5. Accounts correctly kept; the report of the attendance on the day previous to my visit, however, had not been entered.
6. On the rolls during 1868 there were 37 pupils, of whom 21 had each given not less than 100 attendances; eight had each given from 50 to 100 attendances; and eight had each given under 50 attendances. Average attendance 22.
7. Average age of pupils, 10 years.
8. On the day of my visit there were 30 on the rolls, of whom 23 (including 14 girls) were present. Considering all the difficulties the teacher has to encounter, want of school appliances, &c. &c., the proficiency of the pupils was tolerably fair. The answering of the head class was generally very good, but that of the sequel and second classes was bad. Satisfactory answering being represented by the number 10; the results were: reading, 5·2; spelling, 2; dictation, 2·8; writing, 5·1; arithmetic, 2·8; grammar, 2·3; geography, 2; industrial instruction, 0. Singing poor. Discipline very good.
9. All the pupils are members of the Church of England. Neither Mr. Farfan nor Mr. Darling examined this school. I got the master to interrogate the pupils in religious knowledge. His examination had reference to the Creation, the Birth of Christ, and the Apostles' Creed. The pupils exhibited considerable intelligence in their answering; depending, however, for their replies, upon mere rote knowledge in many instances. Religious

Ward Schools.

instruction is given in the school-room during the whole of Wednesday, and from nine to ten, and three to four, on the other days of the week, by the teacher, who, as I have already mentioned, is the licensed Protestant catechist.

10. The amount expended on the school in 1868 was 288 dollars, or an average of 13 dollars 71 cents. for each pupil who had given not less than 100 attendances.

It was on a Saturday that I visited this school. I was accompanied by Mr. Bennett of Cedros, the auditor of the ward. We arrived early in the morning. The master sounded a horn, to summon the children to attend. In ten minutes the majority of the pupils had arrived. Nearly all the people of the place, the fathers, mothers, and friends of the pupils, also assembled, and appeared to take a lively interest in the examination. It was exceedingly gratifying to witness, in this awfully wild and remote district, cut off completely, as it is, from the rest of the island by an almost impenetrable forest, a number of people so decorous in their manner, so gentle in their speech, and appreciating so highly the advantages of a good schooling for their children, who, I must add, were as becoming and orderly as any I have ever examined. They were the only children I met with in the ward schools who appeared to be somewhat *educated* as well as instructed.

The inspector, Mr. Guppy, in his report of his last visit, says: "As soon as it can be accomplished without any injury to the school, the master's connection with the church should be severed, although all the inhabitants of the district are Protestants."

The Venerable Archdeacon Cummins made the following report in the visitor's book: "On the 15th December I examined all the children in the ward school, and here is entered the result of the examination. It is gratifying to me to observe that the children who attend regularly do improve gradually, and the inspector of schools may observe from former entries, similar to this, that the teacher attends to his duties. The warden and auditor may report favourably to the Board of Education concerning the advantage received by the people settled in this part of the island from the Government plan for the education of the lower classes. And the religious instruction of the children is also attended to."

No. 30.—Mayaro Ward School.

Mayaro Ward School.

1. House the property of the ward; commodious and suitable.
2. Furniture ample.
3. Teacher, Alfred Hughes; age 32; married; trained; salary, 100*l.* a year; organising capacity good.
4. Organisation good; time-table judicious; clock out of repair.
5. From May 1868 to the day of my visit (11th March) no new pupil was admitted to the school. This is exceedingly strange.
6. On the rolls for the year 1868 there were 89 pupils, of whom 28 had each given not less than 100 attendances; 23 had each given from 50 to 100 attendances; and 38 had each given under 50 attendances. The average attendance was 37.
7. Average age of pupils, 11 years.
8. On the day of my visit there were 84 on the rolls, of whom 36 (including three girls) were present. The proficiency of the pupils was disappointing. Satisfactory answering being represented by the number 10; the results were: reading, 3; spelling, 2·7; dictation, 1·4; writing, 4·6; arithmetic, 3·9; grammar, 0; geography, 1·6; industrial instruction, 0. Discipline good.
9. All the pupils except three are Catholics. There is no religious instruction given in the school. On Wednesdays and Saturdays, the Catholics are said to attend the Catholic Church for religious instruction. The rule as to certificates of attendance at religious instruction is not observed. Mr. Farfan in his report says: "The master is a Protestant. As there is no Protertant church in Mayaro, he cannot attend church. He is a communicant. Of 37 Catholics examined, 20 knew the Lord's Prayer, Creed, and Ten Commandments."
10. The amount expended on this school in 1868 was 771 dollars 80 cents.; or an average of 27 dollars 56 cents. per pupil who had made not less than 100 attendances.

The parish priest had just established a non-endowed Catholic school within a short distance of this school.

COOLIE SCHOOLS.

No. 1.—Tacarigua Coolie Orphan Home.

Coolie Schools.

Tacarigua Coolie Orphan Home.

President of the Committee of Management, the Rev. *Henry Richards*, Rector of St. Mary, Tacarigua.

1. This establishment was founded in the year 1857. Its object is to maintain and educate the orphan children of Indian immigrants. The buildings are extensive and handsome. The grounds are laid out and kept in the nicest style. The dormitories are clean and airy. A new bath is being erected. In short, every arrangement favourable to the health, cleanliness, and contentment of the pupils, is adopted.

2. The

Coolie Schools.

2. The school-room is lofty and commodious; but the desk accommodation is quite inadequate to the attendance.

Tacarigua Coolie Orphan Home.

3. Teacher, Robert Farrell; Church of England; trained in the normal school, Woodbrook; salary, 300 dollars (62*l.* 10*s.*) a year, with board and lodging; intelligent and thoughtful. Strange to say, he had no time-table in the school.

4. There were 25 boys and 17 girls present. Most of the girls were mere infants; 14 of them were only in the Primer, and the remaining three could barely read. General intelligence of the girls remarkably low. One of them, who was 15 years of age, and about to quit the establishment, exhibited as low a type of intelligence as I ever experienced. The girls attend school for 2½ hours daily, the remainder of the day being devoted by them to industrial and domestic training.

Of the 25 boys, only seven were in the Primer; two were in the second class, 13 in the third class, and three in the fourth class. The reading of some was very good; of the rest, very fair. I examined chiefly by written exercises. On the whole the answering was very creditable.

The industrial training of the boys is not neglected. The land attached to the "Home" is cultivated by them.

5. The children are all brought up as Protestants. When baptised they usually, for a surname, get the name of the "ship" in which they had been conveyed to the Colony. Indian names are never given to them. Their religious education is, of course, a paramount object of the institution. The Rev. Mr. Richards examined the classes in religious knowledge. The answering was ready and highly intelligent.

6. The demeanour and discipline were very satisfactory.

7. The orphans are admitted on the nomination of Dr. Mitchell, the agent general of immigrants. The Government makes a grant of 10*l.* a year for each, the remainder of the expense of maintenance being provided by the labour of the pupils, which produces about 100*l.* a year, and by voluntary contributions. The Government grant is withdrawn when the orphans attain the age of 15 years. Upon the completion of their schooling, they are indentured out for a period of three years. The boys have, generally speaking, turned out exceedingly well; the girls, unhappily, the reverse.

A school of more absorbing interest than this I have never visited. Its success is great; and I am bound to add, mainly due to the vigilant and skilful superintendence of the president of the committee of management, the Rev. Henry Richards.

In reference to the statement that all the coolie orphans of this institution are brought up Protestants, a fact which, in a Colony where there is no exclusive State Church, may appear anomalous, I am bound to observe, that the Governor, when I brought the matter under his Excellency's notice, informed me that in case the authorities of the Roman Catholic Church established a corresponding class of orphanage, it would be entitled to the same annual award for each orphan maintained in it that is now made to the Tacarigua Home.

No. 2.—Newtown Coolie School.

Patron.—The Rev. S. L. B. Richards.

Newtown Coolie School.

1. The school is held in a small room of a private house. The accommodation is, however, quite ample for the attendance.

2. The mistress is Miss Eliza Brown; age 38; Protestant; salary, 25*l.* a year; naturally intelligent, and immensely devoted to her peculiar duties. But she knows nothing of the language of the coolies; a great drawback.

3. There were six boys and six girls present, the eldest of them only seven years of age. Upon examination they showed themselves to be bright and intelligent, but they had got no farther than a little spelling. On the rolls there were 19 boys and 15 girls.

4. Five of the 12 children present were Christians, four being Protestants and one a Catholic; but all, whether Christians or not, are taught the prayers and catechism of the Church of England. The mistress examined the children in the catechism; the answering was by rote, the children understanding few of the words they were uttering.

The eldest was a very promising child. She wore three silver armlets on each wrist, had a ring in her nose, and a ring also in each ear. The teacher, very wisely I think, has not ventured to set her face against this foolish passion for ornamentation which possesses the coolies. Had she done so, she might have repelled many against coming to her school.

A few of the parents were present, and evinced a great anxiety to have their children educated.

No. 3.—Coolie School (El Socorro).

Patron.—The Venerable the Archdeacon of *Trinidad.*

Coolie School (El Socorro).

1. The Archdeacon of Trinidad founded this school very recently, to afford the coolies of El Socorro estate, one of the estates of the Colonial Company, an opportunity of getting their children educated.

Coolie Schools.

Coolie School (El Socorro).

There is a very considerable number of coolies employed upon this estate. A fair average attendance may therefore be expected. The archdeacon was kind enough to accompany me to the school, but on the day of my visit the teacher was unfortunately suffering from fever; I therefore failed to see the school in operation.

No. 4.—Iere Village Coolie School.

Patron.—Rev. J. Morton.

Iere Village Cooli School.

1. The school is held in the Presbyterian church, of which the Rev. Mr. Morton is the minister.

2. Mr. Morton himself teaches the school, but he is assisted by a young man named Dixon, to whom he pays 30 *l.* a year.

3. There were 10 boys and two girls present, all of them the children of o olie Indian immigrants. The ages varied from six to 13. The children were nearly all in the Primer. Under examination they evinced very great intelligence. Their manners and demeanour were very good. Nearly all the boys wore a becoming quantity of clothes, which is very uncommon amongst coolies, whether children or adults. A few, however, were nearly naked.

4. Only a few had been baptised; but, whether Christians or not, they are all taught the Bible and Catechism. Mr. Morton reports that the morals of the children are much improved by their attendance at school.

Roman Catholic Non-endowed Schools.

ROMAN CATHOLIC NON-ENDOWED SCHOOLS.

No. 1.—St. Joseph's Convent, Port of Spain.

Manager.—The Superioress of the Convent.

St. Joseph's Convent, Port of Spain.

1. House erected by convent funds at an expense of 600 *l.*; suitable in every respect.

2. Desk accommodation ample; a gallery for the convenience of the junior children.

3. The teachers are the sisters of the Order of St. Joseph, two of whom are constantly in attendance for secular instruction, and another of whom particularly looks after the religious instruction in the French catechism.

4. In the novitiate of the Order, the nuns are specially prepared for their duties as public instructors.

5. The discipline and general organisation are satisfactory. Home lessons are not prescribed on the score that the children are not provided with the necessary books for home study. At school, a proper supply of books is afforded gratuitously to some; to others at a cost of 2½ *d.*

6. Some of the pupils are admitted gratuitously; others are required to pay 2½ *d.* a month.

7. There were 97 pupils, all Roman Catholics, present. The results in spelling and writing were very satisfactory; in dictation middling. In reading, the proficiency was not so high; but it was higher than on the average in the ward schools. In arithmetic, grammar, and geography, the answering was practically *nil.* In needlework the proficiency was excellent, much superior to anything which I saw in the island.

8. Religious instruction is given daily, from three to four o'clock. At noon the Angelus is recited. At the commencement and termination of the day's business prayers are said.

9. The annual examination of the school is held by the Archbishop of Port of Spain.

No. 2.—St. Dominick's, Port of Spain.

Under the Management of the Roman Catholic Clergy.

St. Dominick s, Port of Spain.

1. House suitable; furniture sufficient; a gallery for junior classes.

2. Teacher, Joseph Augustus Desure; age 22; Roman Catholic; unmarried; salary 60 *l.* a-year.

Assistant, E. A. Basilon; age 18; Roman Catholic; unmarried; salary 19 *l.* 5 *s.* a-year. Neither teacher has been trained. Principal very intelligent.

3. The time-table is not judicious. Home lessons, however, are regularly prescribed.

4. The school accounts are carefully kept.

5. There were 112 pupils present; only 14 of them being in the second or higher classes. The reading and writing were particularly good. Spelling and dictation were pretty fair. Geography fair; arithmetic and grammar low. Discipline good.

6. Religious instruction given daily by the teachers, from three to four o'clock, and on Wednesdays and Saturdays by the Catholic clergyman.

His Grace the Archbishop of Port of Spain was present during my visit.

Roman Catholic Non-endowed Schools.

No. 3.—St. Patrick's Male, Port of Spain.

Under Management of Roman Catholic Clergy.

St. Patrick's Male, Port of Spain.

1. House quite too small.
2. Teacher, Henry Thomas M'Shine; Roman Catholic; age 30; trained in normal school for two years; salary 27 *l.* a year; earnest, energetic, and clever.
3. Six of the pupils pay fees, 2 ½ *d.* a week.
4. Fifty-four pupils present, 40 of whom were in the First Book. Answering, on all the subjects, above the average. Musical proficiency very creditable.
5. Two of the pupils were Protestants who, with the sanction of their parents, were taught the Catholic prayers, &c. I examined the pupils generally in the Catechism. The answering was anything but satisfactory. Even the prinipal mysteries of religion were not correctly known.

No. 4.—St. Patrick's Female, Port of Spain.

Under Management of Roman Catholic Clergy.

St. Patrick's Female, Port of Spain.

1. House entirely too small, but kept with exceeding neatness.
2. Principal teacher, Mrs. Blanc; age 33; trained at the Convent of St. Joseph; salary 28 *l.* a year; respectable and intelligent.

Assistant, Miss Blanc; age 40; salary 28 *l.* a year; has particular charge of the instruction in French.

3. Five of the pupils pay 2 *s.* 1 *d.* a month as fees.
4. The organisation and discipline are good. From 9 to 12 o'clock on three days of the week, the instruction is in French.
5. There were 55 girls present; proficiency very low.
6. The religious instruction is given in French on the three "French days." The answering was altogether by rote.
7. The manners and general culture of the girls were, however, very satisfactory.

No. 5.—Corbeautown (Richmond-street), Port of Spain.

Under Management of Roman Catholic Clergy.

Corbeautown (Richmond-street), Port of Spain.

Closed on the day of my visit, it being the festival of St. Joseph. Unfortunately, I had not another opportunity of visiting this school.

The number of pupils on the books was 72.

No. 6.—St. Louis de Gonzaga.

Patron.—The Rev. A. Violette.

St. Louis de Gonzaga.

1. House small, and ill adapted for school purposes; furniture ample.
2. Teacher, Mary Louise Le Gendre; age 18; Roman Catholic; salary, 12 *l.* 10 *s.* a year; a single-minded, devoted, and intelligent person.
3. Organisation very imperfect; school but a few days opened.
4. Nine boys and nine girls present; only three of them could attempt to read: one was writing on paper, and two were writing on slates.
5. Religious instruction from 12 to 1 daily. Ignorance of pupils frightful. Not one could tell who God is.

No. 7.—Belmont.

Patron.—The Rev. A. Violette.

Belmont.

School closed; teacher very ill in fever. Attendance, manager informed me, averages about 30.

Roman Catholic Non-endowed Schools.

No. 8.—St. Joseph's (Carenage).

Patron.—The Rev. J. M. Guy.

St. Joseph's (Carenage).

1. School held in a small room of a private house; unsuitable.
2. Teacher, Miss Rosalie Durrie; Roman Catholic; conducting this school since March 1868; very intelligent; a fee of half-a-dollar a month for *all* the girls of a family is paid to the teacher; this produces about 100 dollars a year, out of which teacher pays 36 dollars for the rent of the house. Net income about 13 *l.* a year.
3. Present 14, of whom nine were only in the primer; proficiency of all very low.
4. One is a Protestant; the rest are Roman Catholics. The Protestant receives, along with the rest, the religious instruction, which is given three times a week. All repeat their prayers and catechism like parrots. There is no intelligence in their catechetical answering.

No. 9.—Diego Martin.

Patron.—Rev. J. Jouin.

Diego Martin.

1. House thatched with palm leaves; very small; rented at 4½ dollars a month. No suitable furniture for school purposes.
2. Teacher, Marie Philomel C. Cadre; age 19; had been a novice in St. Joseph's Convent; very intelligent, energetic and enthusiastic; salary 12 *l.* 10 *s.* a year.
3. Each of the 12 pupils on the rolls pays 2½*d.* a week.
4. Six pupils present, of whom two were able to read a little; one girl was learning French only. The writing was very good.
5. Religious instruction is the main feature of the school.

No. 10.——St. Joseph's.

Patron.—Rev. J. A. Orsini.

St. Joseph's.

School closed. It was after school hours when I called. The attendance is very limited.

No. 11.—Arouca.

Patron.—Rev. E. Trouette.

Arouca.

1. House quite too small for the large attendance; furniture tolerably suitable.
2. Teacher, James Ardila; Roman Catholic; age 19; salary 15 *l.* a year; painstaking and earnest.
3. Organisation very imperfect. Teacher unable to cope with the difficulties of managing such a number as was in attendance.
4. There were 138 on the rolls, and 62 present (including 31 girls). Nearly all the senior pupils had been at the ward school. Proficiency in reading and writing pretty fair; in other subjects low. All speak the French patois.
5. Pupils all Roman Catholics. They learn the Catechism in French, but were unable to explain it in English.

No. 12.—Arima.

Patron.—The Rev. F. Esteva.

Arima.

1. School held in a room of a private house.
2. Teacher, Mrs. Ellen Gardia; Roman Catholic; age, 29; salary 32 *l.* a year; her husband had been absent five months on the Spanish main, leaving her entirely unprovided for. With a view of securing for herself a means of living, she established this school, under the patronage of Father Esteva. She had never taught before.
3. There were 12 girls and one boy present. Each pupil pays 4 *s.* 2 *d.* a month as school fees. The girls all learn to sew.
4. Most of the pupils had been scholars of the ward school. Proficiency of a very humble degree.
5. All are Catholics; only one girl learns the Catechism in English.

The priest takes a great interest in this school, but it scarcely yet partakes of the genuine character of a public school. His hostility to the ward school is of a most determined character.

Roman Catholic Non-endowed Schools.

No. 13.—La Ceiba.

Patron.—The Rev. F. Esteva.

La Ceiba.

1. School held in a small chapel, 18 feet by 10 feet. There are no desks; no suitable school furniture.

2. Teacher, John Marks; Roman Catholic; age, 25; salary 12 *l.* 10 *s.* a year; is a catechist as well as teacher, the salary being remuneration for the double duty; an uneducated enthusiast; could be of no service as a public instructor.

3. There are 20 children on the rolls. There were none present, as the day was Wednesday, which, even in non-endowed schools, teachers strive to make a holiday of.

Some time after my visit the manager dismissed the teacher.

NON-ENDOWED PROTESTANT SCHOOLS.

Non-endowed Protestant Schools.

No. 1.—Cambridge-street (Port of Spain).

Patron.—The Rev. S. L. B. Richards, A.M.

Cambridge-street (Port of Spain).

1. House very commodious; well lighted and ventilated; in every respect comfortable, and a suitable school-room. Furniture ample.

2. Teacher, Caroline Dow; age, 28; Protestant; salary 18 *l.* 15 *s.* a year; intelligent, painstaking, and concientious.

3. Twenty-one boys and 29 girls present. Reading, poor; spelling, good; arithmetic, inferior; only four pupils had copy books; general intelligence, satisfactory.

4. The book from which the children of the upper classes read was the Bible. The chapter they were engaged upon was the fifth of Joshua, which was quite above their capacity. Religious instruction is given daily. Teacher examined the pupils in the Church Catechism; answering easy and rapid, but entirely by rote.

5. Manners and deportment of children very pleasing.

6. On Wednesdays the Rev. Mr. Richards and the Rev. Mr. Taitt give religious instruction in this school-room to the Protestant pupils of the Queen's Collegiate School.

No. 2.—Chacon-street (Port of Spain).

Patron.—Rev. S. L. B. Richards, A.M.

Chacon-street (Port of Spain).

1. School held in a very large room, which is sometimes used for lecture purposes, and formerly had been a theatre. Furniture and fittings ample and suitable.

2. Teacher, Miss J. D. Parke; age, 50; Protestant; not trained, has been 31 years engaged in teaching; receives 10 dollars a month from Rev. Mr. Richards, and about 4 dollars a month in fees from the pupils; total, about 34 *l.* a year; very respectable and intelligent; a useful and conscientious teacher.

3. Twenty-four boys and 28 girls present. Their reading was particularly good; in all other matters the answering was of a very humble character. Singing is practised with average success. Miss Parke is assisted by a monitress, named Walton, to whom she occasionally gives a trifling remuneration. Miss Walton is chiefly engaged in keeping order. Discipline very fair.

4. Forty-seven of the pupils are Protestants, and five are Catholics. All receive religious instruction in common. Teacher examined the pupils in the Church of England Catechism with more than usual intelligence. The answering was chiefly by rote. Religious instruction is given daily. On Wednesdays the Rev. Mr. Murray, the curate of the parish, gives religious instruction in this school-room, from 10 to 12 o'clock, to about 200 children of the public schools of the town.

No. 3.—All Saints.

Patron.—Rev. L. A. Taitt.

All Saints.

1. School-room neat and comfortable; furniture suitable.

2. Teacher, Miss Martha Sargent; age, 55; Protestant; salary, 8 dollars a month and fees of pupils; total, about 25 *l.* a year. The 8 dollars monthly are provided from the parochial funds.

Non-endowed Protestant Schools.

3. There were 15 boys and 10 girls present. Fifteen of them were in the Primer, and 10 in the elementary section just above it. The reading book in use is one of the publications of the "Society for Promoting Christian Knowledge." None were engaged in writing on paper. Neither grammar nor geography taught; spelling pretty good; arithmetic and reading, middling only.

4. The mistress examined the pupils for me in the Catechism. The answering was entirely by rote. Religious instruction is given daily. In fact, it forms the main feature of the school business.

No. 4.—Belmont.

Patron.—The Rev. S. L. B. Richards, A.M.

Belmont.

1. School held in the neat little district Protestant Church of Belmont.

2. The teacher is Miss Catherine Watts; at 10 o'clock on the morning of Friday, the 19th of March, when I left the school, she had not yet arrived. I examined the report book, and found that no entry had been made in it during the preceding days of the week, although the school had been open, and she had been in attendance, during those days. There were 25 names on the rolls, 17 girls and eight boys. At the time of my visit there were five girls present, three of whom were uncommonly smart. I examined them in reading, arithmetic, spelling, and geography. The reading was excellent, the spelling good; in arithmetic and geography, however, they broke down.

No. 5.—St. Matthias.

Patron.—The Rev. S. L. B. Richards, A.M.

St. Matthias.

1. School-house neat and comfortable; erected by the Rev. Mr. Richards; opened in January 1868; furniture not quite sufficient, there being but one small desk.

2. Teacher, Mr. J. W. Clarke; age, 26; Protestant; married; trained under the Moravians; receives from patron 5 dollars a month, and from pupils 4 dollars a month; total, about 22 *l.* a year; is a conscientious person.

3. No school rolls in use, but there is a register.

4. There were 15 boys and 11 girls present. The answering was of a very humble character; in reading and writing there was a moderate proficiency; the home lessons are chiefly of a religious character, such as the preparation of the collects, &c.

5. One of the pupils present was a Roman Catholic, who attended the religious instruction along with the others. The master examined the pupils in the Church of England Catechism; answering altogether by rote. Religious instruction is given daily.

The master, I should observe, was suffering from a slight attack of fever on the day of my visit, so that I had not a favourable opportunity of testing his capacity as a teacher.

No. 6.—St. John's.

Patron.—The Venerable the Archdeacon of Trinidad.

St. John's.

1. School held in a licensed place of worship; suitable, except as to desk accommodation, which is insufficient.

2. Teacher, Mr. James Rawlins; age, 31; not married; trained in the Moravian Training School of Antigua; salary, 37 *l.* 10 *s.* a year, of which the sum of 10 *l.* is contributed by Archdeacon Cummins, 12 *l.* 10 *s.* by the Christian Faith Society, and 10 *l.* by the Ladies' Society for Promoting Education amongst the negroes; had no time-table, and the discipline was bad.

3. There were 18 boys and 21 girls present. The writing was good; dictation, fair; reading, spelling, and arithmetic, poor. No industrial instruction for the girls.

4. Religious instruction is given for about an hour daily. There were 21 Roman Catholics and 18 Protestants present. All are taught the Church of England Catechism. The Archdeacon examined in the catechism. The answering was a great display of memory.

No. 7.—Diego Martin Infants'.

Patron.—The Rev. A. E. Eckel.

Diego Martin Infants'.

1. School held in a small room off a shop; very inconvenient and unsuitable; there had been a regular school-house, but it fell down.

2. Teacher, Mrs. Parke; Protestant; advanced in years; very unskilful: has to mind the shop as well as teach the school; salary, 4 dollars a month from the "Ladies' Society," and 2 dollars from Rev. Mr. Eckel; total, about 15 *l.* a year.

3. There

3. There were eight boys and five girls present. Only one was advanced enough to be able to read a little. Non-endowed Protestant Schools.

4. All were Protestants. The Rev. Mr. Eckel examined in religion; the answering was very poor.

Mr. Eckel by letter informs me: "It is not likely I shall continue the school beyond this month if there is not a prospect of increase of pupils, and of a number of them who will be able to learn the Catechism and to read Scripture lessons."

No. 8.—Tuna Puna.

Patron.—The Rev. Henry Richards, Rector of St. Mary's.

1. House, the property of the teacher; unsuitable; no desks. Tuna Puna.

2. Teacher, Henry Gardner; Protestant; advanced in years, and very feeble; salary, about 12 *l.* a year.

3. There were 26 boys and 15 girls present. Seventeen pupils were in the Primer, 12 in the Second Book, nine in the Third Book, and three in the Fourth Book. Only one was returned as learning to write on paper. On the day of my visit there was no paper in the school.

4. I obtained no return of the religion of the pupils. The master says that about half the attendance is Catholic. Religious instruction in Scripture is given to all in common.

No. 9.—Tacarigua Infants'.

Patron.—Rev. Henry Richards.

This school is held in a neat and convenient house opposite the parsonage. On the day of my visit the attendance, I was informed, was exceptionally low, and I therefore made no detailed note of the circumstances of the school. Tacarigua Infants'.

No. 10.—Turure.

Patron.—The Rev. Henry Richards.

1. School held in a licensed place of worship.

2. Teacher, Charles David Forde, who is also licensed Protestant catechist of the district; married; salary (paid by Government) 150 *l.* a year; was trained in the normal school, Woodbrook; had been for nine years teacher of the ward school at Couva, during which period he also acted as paid Protestant catechist; appointed to his present situation, in January 1866, by Governor Sir Manners Sutton; began the school in March 1866. Turure.

3. There were five boys and five girls present. The five boys and two of the girls were in the Primer. The reading of the other three was very bad. Arithmetic unknown.

4. Religious instruction is the main business of the school. The master examined. The answering was altogether by rote. On the occurrence of the phrase "inheritor of the kingdom of Heaven," I begged the master to elicit the meaning of the word "inheritor." None had any idea of it; one said it meant "God."

No. 11.—Manzanilla.

Patron.—The Rev. Henry Richards.

1. School held in a licensed place of worship.

2. Teacher, John Williams; age, 30; Protestant; not married; salary, including fees of pupils, 15 *l.* a year; as catechist to the district, reads the prayers publicly to the people; has no time table. Manzanilla.

3. There were 13 pupils present, nine of whom were in the Primer; the remaining four could make a fair attempt at reading, but were utterly ignorant of everything else.

4. Religious instruction is given for two hours daily. The pupils are all Protestants. The master examined them in a rambling, incoherent manner, in the Catechism and Bible history. The answering displayed no intelligent knowledge of the subject.

The patron cannot frequently visit this school, owing to its immense distance from his residence. It accordingly labours under the same disadvantage as a ward school, viz., a want of local supervision. The catechist at Turure could, conveniently enough, manage this school.

Non-endowed Protestant Schools.

No. 12.—St. Sylvan's.

St. Sylvan's.

1. School held in a church in which service is celebrated on Sundays by Mr. Graham, the catechist of Couva.

2. Teacher, J. N. Seely; age, 38; Protestant; a native of Barbados.

3. There were 26 pupils present, of whom 13 were girls; the organisation, however, appeared to be specially directed to the teaching of religious matters.

4. Of the 26 pupils present, 14 were Roman Catholics. All were taught the Catechism and prayers of the Church of England. Religious instruction is given at various hours of the day. The master examined, and the answering was entirely by rote.

The teacher informed me that that the Rev. Mr. Laurie, of the parish of St. Philip and St. Peter, is the patron; but unless he is so by a temporary arrangement, I conceive that the statement is incorrect, as the school is in the parish of St. Andrew (Couva), of which the Rev. H. G. Wall is the rector.

No. 13.—Couva.

Patron.—Rev. H. G. Wall.

Couva.

1. House rather small for attendance.

2. Teacher, Thomas L. Graham; age, 26; Protestant; married; trained in the Church of England Training School of Tobago; receives 50 *l.* a year as licensed catechist from the Consolidated Fund, and about 8 *l.* a year in fees from the pupils; gives service on Sundays at St. Sylvan's Church; is intelligent and earnest.

3. There were 19 boys and 15 girls present. My examination was very brief. None could tell the meaning of the word "create."

4. Religious instruction is given for an hour daily. Of the 34 present, seven were Roman Catholics, three were Methodists, and 24 were members of the Church of England. All are taught the Catechism of the Church of England. The teacher examined the pupils in the Catechism. Answering mainly by rote.

No. 14.—Providence Infants'.

Patron.—The Rev. W. B. Laurie.

Providence Infants'.

1. School is situate in Friendship Village; tolerably suitable to its purpose.

2. Teacher, Jessie M'Gregor; age, 30; Protestant; not trained; salary, 25 *l.* a year; intelligent and active; children pay 2½ or 5 cents weekly, but the fees are handed to manager for the general school fund.

3. There were 15 boys and 18 girls present; 11 of the boys and 13 of the girls were only in the Primer; the proficiency of the others was of a very humble kind. The girls learn a little needlework.

4. Religious instruction is given daily from 10 to 11 o'clock. Of the 33 present, two were Roman Catholics; the rest were members of the Church of England. "The Catholics," I was informed, "were Catholics by baptism, but they frequent the Protestant church on Sundays." All attend the religious instruction given in the school. On Wednesdays the more grown children attend the Phœnix Park School, to receive religious instruction from the Rev. Mr. Laurie. The mistress examined the pupils in the Catechism. Answering exceedingly flippant, but all by rote.

No. 15.—St. Simon's, Claxton Bay.

Patron.—The Rev. W. B. Laurie.

St. Simon's, Claxton Bay.

1. School held in a church.

2. Teacher, Charles C. Smith; age, 21; Protestant; privately trained by Rev. Mr. Laurie at Tobago; salary, 30 *l.* a year; interesting and intelligent. Each pupil pays 12 cents. weekly, the proceeds being given to the patron for the general school fund.

3. There were 55 pupils present, including 21 girls; 24 of the boys and 16 of the girls were only in the Primer; the answering of the others, in dictation and tables, was pretty good.

4. Religious instruction is given daily, from 9½ to 10¼ o'clock. There were present 19 Roman Catholics, 13 members of the Church of England, and 23 Wesleyans. All are daily instructed in the Catechism of the Church of England. On Wednesdays the Rev. Mr. Laurie gives religious instruction in the school.

The master examined in the Church of England Catechism answering ready, but by rote.

Non-endowed Protestant Schools.

No. 16.—San Fernando.

Patron.—The Rev. H. N. Huggins.

San Fernando.

1. School held in a room of a private house rented by teacher; school-room only 18 feet by 15 feet; entirely too small for the attendance; on the day of my visit the atmosphere was very oppressive.

2. Teacher, Mrs. Anne Wears (wife of Mr. Wears, who is clerk of the church, and assistant-master in the Borough school); age, 53; Protestant; salary, 25 *l.* from subscriptions, and about 23 *l.* in fees: total, 48 *l.* a year; hardworking and intelligent; is assisted by her daughter, who is about 12 years old.

3. There were 12 boys and 32 girls present. They were arranged in eight classes, an arrangement which appeared to me to be quite too elaborate. General intelligence of pupils, above the average. Each pupil pays a fee of half a "bit" (2½ *d.*) a week.

4. Thirty-two were members of the Church of England, and 12 were Catholics. The teacher informed me that "communicant Catholics retired, but the other Catholics remained during the time of religious instruction." At the time of my visit there were none of the communicant Catholics in the school. The teacher examined in the Catechism of the Church of England; answering altogether by rote.

No. 17.—St. Clement's.

Patron.—Rev. H. N. Huggins.

St. Clement's.

1. School held in a room, but chiefly in the verandah of the rectory.

2. Teacher, Margaret Daly; age 48; Protestant; a widow; salary 17 *l.* a year from the Bishop's Fund.

3. There were one boy and six girls present; two were in the Primer; in the case of the rest, the reading, slate writing, and spelling were pretty fair; writing on paper not practised; the girls learn to sew.

4. Religious instruction is given daily. All the pupils are members of the Church of England. The mistress examined them in the Catechism, which they knew pretty well.

No. 18.—Dunmore Hill.

Dunmore Hill.

This school is conducted on Wednesdays and Sundays only.

The teacher is Mr. W. Jamison, catechist of the Church of England; salary 100 *l.* a year, paid from the Bishop's Fund.

There were five boys and four girls present.

The ostensible object of the school is to afford religious instruction to the children of the surrounding neighbourhood, which includes Monkeytown and Indian Walk.

When I arrived, the teacher was engaged at secular instruction.

The answering was of the most elementary character.

The teacher examined in religious knowledge; answering fair.

No. 19.—Arouca Presbyterian.

Arouca Presbyterian.

When I called, I found 14 or 15 children playing about the school. There was an oldish woman in the room, who appeared indisposed to give me any information. Mrs. Dickson then came and informed me that her husband, the Rev. Mr. Dickson, Presbyterian minister, had gone to Arima, and would not return until one o'clock; she added, that if I wanted to examine the scholars, or obtain any information concerning the school, I should either return, or wait until then. I told her that it was impossible for me to wait or return, and that I should feel obliged if she permitted me even to collect the statistics of the school. She very peremptorily declined to accede to my request.

THE FREE MODEL SCHOOL.

The Free Model School.

This is an adventure school established last year by the teacher; Mr. Eriché. It is held in a neat and commodious building which adjoins a Protestant meeting house. The room is conveniently fitted up, having, in addition to the usual appliances, a very excellent gallery.

The borough council of Port of Spain have made an award of 25 *l.* a year to Mr. Eriché, on the condition that the school shall be satisfactorily carried on. Unlike the other borough schools, which are supported by the borough council, this is not under the inspec-

The Free Model School.

tion of the Government inspector of schools. Mr. Eriché informed me that he invited Mr. Guppy, the inspector, to undertake the inspection of the school, and that Mr. Guppy declined. In reference, to this, Mr. Guppy observes that the borough council authorities had not communicated with him or the Board of Education on the subject, and that, pending the formal connection of the school with the Board of Education, he could have nothing to say to its inspection. It certainly does appear strange that the borough authorities have not taken steps to secure an official inspection of the school.

Some of the pupils pay a dollar a month, but the majority pay only half-a-dollar.

There were 76 pupils present, of whom 22 were only in the Primer; 15 were in the highest or fifth class. I had time to examine only the latter. The reading was excellent; superior to anything I had heard in the ward schools. In spelling and dictation, the proficiency was low. In arithmetic, also, the answering was low. Only one boy in the class did a sum in proportion accurately. The supply of requisites was insufficient. There were only 11 slates in the school, and only four of the pupils had writing copies to submit for my inspection.

Some of the boys had previously been pupils of the Woodbrook school.

The discipline was tolerably successful, but the master resorted too frequently to corporal punishment. He certainly, even in my presence, inflicted severe lashes upon the boys with a strap.

The master is a Roman Catholic. There is no religious instruction given in the school. Forty-one of the pupils are Catholics, and 35 are Protestants. The master says that on Wednesdays the Catholics attend at the cathedral for religious instruction.

Mr. Eriché is an enthusiast, and unmistakably a popular teacher. The people "back" him, and the pupils like him.

I do not, however, understand why this school is called a free model school. It is not a *free* school, because the pupils pay fees; and its pretensions to be designated a model school (that is, a school set up for the special purpose of affording material for imitation) are destitute of any foundation.

ST. JOSEPH'S CONVENT BOARDING SCHOOL FOR YOUNG LADIES.

St. Joseph's Convent Boarding School for Young Ladies.

1. THE school is held in rooms belonging to the convent. Those rooms are commodious, well lighted, well ventilated, and in every respect suitable to educational purposes.

2. The school was founded about 30 years ago, chiefly with a view of affording the Catholic children of the better classes an opportunity of obtaining a liberal education, without having to travel to Europe for it at great expense and immense inconvenience.

3. The teachers are the nuns of the order of St. Joseph, a community which is specially and exclusively devoted to the work of education. The superioress and most of the sisters are French ladies, but there are a few English or Irish ladies also in the community.

4. The girls' school of St. Joseph, for the education of the poor, is conducted by some of the nuns of this school. In another report I describe the condition of the school for the poor.

5. In the prescribed rules of the school it is provided that no illegitimate children are admitted. The necessity for publishing such a rule in the prospectus is a strange feature in the social economy of this Colony.

6. The pension for boarders is 40*l.* a year; and for half-boarders, 22*l.* 10*s.* a year.

7. The half-boarders are nourished by their parents. The meals of this class of boarders are brought to them to the school three times daily, first at half-past seven in the morning, then at half-past eleven, and again at half-past five in the evening.

8. No child who is under six or over ten years of age is admitted as a boarder.

9. Music, drawing, washing, stationery, repairs of clothing, &c., are extras.

10. The visiting masters are required to give their lessons in presence of one of the nuns.

11. On the day of my visit there were presented to me for examination 64 boarders and 18 day scholars.

12. Extern scholars are limited to children who have not attained the age of 10 years. The fee paid by externs, between six and ten years, is 1*l.* 5*s.* a month. The hours of their attendance are from half-past seven in the morning until a quarter past five in the afternoon.

13. There is also an infants' class, for whom the hours of attendance are from nine to four. The fee paid for infants is 12*s.* 6*d.* a month.

14. The organization of the school is exceedingly skilful. The gradation of business and the classifisation of the scholars are as delicately adjusted as I have ever seen to be the case in any similar establishment in Europe.

15. The course of instruction includes reading, writing, arithmetic, composition, the English and French grammars and languages, needlework, music, drawing, &c.

16. There are four courses of instruction. Each course consists of two divisions, and each division is denoted by the colour of the sash worn by the pupils. The latter is a simple but most useful arrangement. Emulation is stimulated by it. Progress is, as it were, distinguished by a decoration.

The

St. Joseph's Convent Boarding School for Young Ladies.

The four courses are—

1. The preparatory course, the sashes being cherry-coloured and green.
2. The elementary course, the sashes being brown and violet.
3. The secondary course, the sashes being blue and yellow.
4. The superior course, the sashes being red and white.

17. English and French are spoken in all the classes.

18. The preparatory course embraces elementary reading and writing; easy spelling; a little geography and history; and simple addition.

19. The elementary course embraces a development of the subjects of the preparatory course; and also dictation, letter writing, grammar, and translation from English into French, and from French into English.

20. The secondary course embraces a further development of the preceeding, with the elements of astronomy and recitation.

21. The superior course embraces a still further development of the preceding subjects, with the art of versification, the history of modern literature, the elements of geology, natural history, and natural philosophy.

22. The writing exercises are made to subserve the acquisition of knowledge in several useful branches. In one division children's duties are copied out; in another religious knowledge is reproduced; in another, synoptical tables are written out, &c. The style of the writing is agreeable, and the copies are all neatly executed, and preserved scrupulously clean.

23. Recitations in English and French are sedulously practised, and with very considerable success. The reading of the pupils was unmistakably good. In some cases it was quite superior. The English was read with a marked but not disagreeable foreign accent.

24. The historical instruction is practical and comprehensive. It includes an extensive course of sacred history; an appreciation of the laws which affected the distribution of the human race and the foundation of different kingdoms and forms of government; the histories of Rome, the Middle Ages, France, England, &c.

25. I gave dictation exercises in English and French to the senior division of the pupils. The exercises were almost faultlessly executed.

26. The facility and accuracy with which they performed arithmetical exercises were very gratifying. There were mistakes made, to be sure, and there were a few failures; but, relatively, the answering in arithmetic was better than in most of the public schools.

27. I was very happy to find, in the circumstance that the elements of book-keeping are taught to the senior pupils, that a practical direction is given to the course of education.

28. All the pupils are Roman Catholics. Attendance at mass and religious instruction are of daily occurrence.

29. The manners and deportment of the children are quiet and gentlewomanly; the discipline is mild, but effective; a more orderly, more becoming, and more attractive set of children I have never met. The maximum age was about 17; there were a few, however, who were mere infants.

30. I was uncommonly gratified by my experience of this school; everything in it looked lightsome, airy, and genial. The children seemed happy; the nuns appeared to be delighted. Although a burning sun was scorching everything without, within everything looked genial. The dormitories were as neat as art, and care, and taste could make them; the atmosphere was fresh and cool, so much so, that for the moment you could forget you were in the tropics. The ladies who conduct this school are accomplished, energetic, and zealous, and possess a thorough conception of their duties. They have adopted an organization which is as skilful as any I have ever experienced, and which evidently is the result of the labour and the thought of many years.

I left the school with the conviction that every virtue that could grace a gentlewoman's character might be acquired in it; and that so long as such a school flourishes in the colony there will remain no occasion for parents risking the perils of a long sea voyage to obtain a European education for their daughters.

ABSTRACT, showing the QUALITY of the ATTENDANCE of the PUPILS at the GOVERNMENT SCHOOLS.

SCHOOLS.	Number of Pupils who, during the Year 1868, made														
	Under 20 Attendances.	20, but under 30 Attendances.	30, but under 40 Attendances.	40, but under 50 Attendances.	50, but under 60 Attendances.	60, but under 70 Attendances.	70, but under 80 Attendances.	80, but under 90 Attendances.	90, but under 100 Attendances.	100, but under 120 Attendances.	120, but under 140 Attendances.	140, but under 160 Attendances.	160, but under 180 Attendances.	Over 180 Attendances.	TOTAL.
1. Boys' Model School	19	15	10	14	10	13	11	13	4	20	15	6	–	–	150
2. Girls' Model School	53	37	34	28	29	42	25	25	28	54	50	17	–	–	422
3. Borough (Town Hall) School.	11	8	12	7	6	12	6	7	2	10	14	9	–	–	104
4. Borough (Eastern Market) School.	34	21	17	10	9	14	14	9	7	20	22	10	3	–	190
5. San Fernando Borough School.	28	49	24	23	18	20	15	16	9	22	14	6	9	3	256
6. Carenage Ward School	3	15	8	3	3	2	4	2	4	10	9	1	–	–	64
7. Diego Martin Ward School	4	5	7	7	6	4	3	2	8	12	6	5	3	1	73
8. Maraval „ „	16	2	7	6	5	7	9	11	6	8	8	7	3	–	95
9. Laventille „ „	20	23	14	9	10	9	7	7	7	12	2	–	–	–	120
10. Santa Cruz „ „	12	1	8	8	4	4	6	7	8	8	10	6	1	–	83
11. San Juan „ „	23	14	11	15	7	8	6	6	11	13	8	4	1	–	127
12. St. Joseph „ „	12	19	11	7	4	3	5	5	5	13	8	6	–	–	98
13. Maraccas „ „	10	9	9	2	4	4	4	6	8	6	5	3	–	–	70
14. Caura „ „	21	6	2	7	4	6	4	2	5	5	4	–	–	–	66
15. Tacarigua „ „	21	16	11	9	10	5	5	3	1	10	5	3	1	–	100
16. Arouca „ „	49	31	31	12	8	6	10	10	3	7	4	5	–	–	176
17. Arima „ „	17	10	7	8	7	12	6	7	9	14	10	8	8	–	123
18. Chaguanas „ „	8	9	10	8	6	4	1	4	8	13	8	7	–	–	86
19. Couva „ „	9	8	4	3	5	5	2	2	3	10	3	3	–	–	57
20. Savanetta „ „	19	11	9	4	8	2	2	2	2	7	4	–	–	–	70
21. Point-à-Pierre „ „	12	2	6	8	2	3	4	8	1	2	–	2	2	–	52
22. St. Joseph (Naparima) Ward School.	5	4	5	7	7	5	7	3	3	6	5	14	6	–	77
23. St. Madeleine Ward School	31	19	10	10	9	3	6	3	2	6	4	4	–	–	107
24. Iere Village „ „	23	7	1	2	4	–	–	2	7	10	5	7	3	–	71
25. Mission (Savanna Grande) Ward School.	13	4	5	12	6	16	13	12	15	32	10	4	–	–	142
26. Indian Walk Ward School	13	11	12	7	11	7	1	2	1	8	14	7	–	–	94
27. Victoria Village „ „	11	9	6	8	8	8	5	6	11	11	18	10	1	–	112
28. Canaan Village „ „	10	2	7	4	4	2	2	3	5	9	7	4	5	–	64
29. Oropouche „ „	16	7	7	10	7	5	5	3	1	9	9	1	2	–	82
30 La Brea „ „	10	2	1	1	2	–	4	1	3	2	10	1	–	–	37
31. Guapo „ „	7	–	3	4	3	2	3	3	7	6	–	–	–	–	38
32. Cedros „ „	9	9	5	3	12	5	14	2	4	13	9	3	2	–	90
33. Icacos „ „	10	6	1	7	4	3	3	3	8	14	7	4	–	–	70
34. Erin „ „	2	3	–	3	–	1	–	1	6	6	7	2	6	–	37
35. Mayaro „ „	21	5	7	5	5	2	6	5	5	2	10	6	10	–	89
TOTAL	582	399	322	281	247	244	218	203	217	410	324	175	66	4	3,692
Per-centage	15·76	10·8	8·72	7·61	6·69	6·6	5·9	5·49	5·87	11·1	8·77	4·74	1·78	·1	

— No. 2. —

(No. 104.)

No. 2.
Earl Granville, K.G., to Governor Gordon, C.M.G.
11 September 1869.

COPY of a DESPATCH from the Earl *Granville*, K.G., to Governor the Honourable *A. H. Gordon*, C.M.G.

Sir, Downing-street, 11 September 1869.

I HAVE received from Mr. Keenan a copy of his* "Report upon the state of education in the island of Trinidad."

* Page 1.

It appears to me to be an elaborate, comprehensive, and very valuable report, and to deserve the attentive consideration of the Governor and of the Secretary of State.

I shall await any remarks which you may desire to make upon it, and shall be prepared to give my best attention to any suggestions for giving effect to its proposals, or to such of them as may be considered by you to be at present practicable.

I understand that Mr. Keenan has forwarded to you 30 copies of the report.

I have, &c.
(signed) *Granville.*

— No. 3. —

(No. 119.)

No. 3.
Governor Gordon, C.M.G., to Earl Granville, K.G.
8 September 1869.

COPY of a DESPATCH from the Honourable *A. H. Gordon*, C.M.G., to the Earl *Granville*, K.G.

My Lord, Trinidad, 8 September 1869.

As I was on the point of embarking at Southampton, I received from Mr. P. J. Keenan a copy of his report upon the state of education in Trinidad, and have carefully studied its contents during my voyage here.

2. It is impossible not to admire the very thorough manner in which Mr. Keenan has performed the task assigned to him, the amount of labour he has bestowed on the collection of his facts, the pains he has taken to ensure their accuracy, and the clearness of the picture he has drawn from them. In his conclusions generally, and as a whole, I concur; but there are various points, some of much importance, and others only affecting details, in which I think it would be impossible to adopt his suggestions without very serious modifications.

3. As regards primary education there are few objections, either practical or theoretical, to the adoption of Mr. Keenan's plan of the substitution of private local management for the direct control of the State, excepting in those cases where the numbers of the different religious bodies are so equally balanced as to render it difficult to decide which possesses a majority, and to render the continuance of that majority, even when once ascertained, a matter of dispute. For example, I perceive that when Mr. Keenan visited the school at Chaguanas, the majority of the pupils were Protestants, when Mr. Darling made his inspection the majority was Roman Catholic. In such cases, if the circumstances of the place do not warrant the establishment of two separate schools, it will, I think, be expedient to continue schools depending, as at present, wholly on the Board of Education, and leave the religious instruction of the pupils to the clergy, who should, however, be required to give that instruction at the school-house itself on stated days.

4. Night schools I fear would not answer in this climate. Those who work rise before daylight, and after the intense exhaustion of labour in a tropical sun, health requires, and nature commands, an early hour of rest.

5. As regards secondary education, I confess I have more hesitation in concurring with Mr. Keenan's views. I regard the establishment of a West Indian university in the manner proposed as, at all events at present, impracticable. If this be admitted, as I think it cannot fail to be, I believe that the object sought by Mr. Keenan (and which I entirely concur with him in desiring), would be better attained by a machinery different from that of the "deputy council," proposed by him. He proposes that the functions of that body should be those of examination only. I conceive that it would be practicable, and certainly

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most desirable that instruction also should be afforded in all branches possible by a body of teachers better qualified, better paid, and holding a higher official position than the masters of either a Protestant or a Roman Catholic private school are likely to be. The outline of such a plan was suggested by me as long ago as 1867, and I have reason to believe that it would be acceptable to all parties as a compromise, though in itself perhaps wholly satisfactory to none.

I have, &c.
(signed) *Arthur Gordon.*

— No. 4. —

(No. 129.)

No. 4.
Earl Granville, K.G., to Governor Gordon, C.M.G.
12 November 1869.

COPY of a DESPATCH from the Earl *Granville*, K.G., to Governor the Honourable *A. H. Gordon*, C.M.G.

Sir, Downing-street, 12 November 1869.

I HAVE had under my consideration your Despatch, 119,* of the 8th of September, on Mr. Keenan's scheme of education for Trinidad, which has crossed my Despatch, 104,* of the 11th of September.

* Page 101.

On the subject of primary education you express the opinion, with reference to the proposal that the direct management of primary schools should be vested in the clergyman of the same religion as the majority of the pupils, that in neighbourhoods which cannot support two schools, and in which the direction of that majority is variable and indecisive, the entire management of the school should remain in the Board of Education, it being made compulsory on the State-paid clergy of the different denominations to give religious instruction in the school on fixed days. You also express the opinion that night schools are not adapted to the circumstances of the island. These modifications appear to me to be judicious, and, subject to them, I have to request that you will give your consideration to carrying out Mr. Keenan's suggestions.

On the subject of secondary education, I think with you that the West Indies are not ripe for a university. It is generally agreed that the grant in aid of secondary education in Trinidad on the present footing should be withdrawn. Failing a university, Mr. Keenan has suggested that the Board of Education should appoint public examiners from the teachers in the private colleges or halls, that these examiners should be remunerated by fees, and that fees should be awarded to the colleges for pupils who have passed the public examinations satisfactorily, but he has not provided for any course of instruction external to the colleges, and open to the pupils of all, either by lecturers chosen from the teachers in the colleges, or by an independent body of professors.

On the other hand you reiterate the opinion which you expressed in 1867, that such a course of instruction should be provided. I have no objection to offer to a plan of concurrent public examinations and public lectures.

The pupils of the different colleges should be required to offer themselves for public examination at least twice a year, and should be allowed to attend what common lectures they please. It may be supposed that in order to excel in the examinations, they would desire to attend the lectures, and would only absent themselves from those (if any) to the teaching of which they conscientiously objected, and that as the payment each college would receive, would depend upon the proficiency of its pupils, the college authorities would desire that their pupils should have the advantage of attending the lectures.

With reference to the lecturers you express the opinion that they should be better qualified, better paid, and have a higher position than can be expected of the teachers in the private colleges. I observe, however, that Mr. Keenan anticipates that the principle of payment for results in collegiate education, will lead to the employment of superior teachers in the private colleges or schools, and a moderate remuneration attached to a lectureship might be an additional inducement to superior teachers to offer themselves. I think that these considerations should be kept in view.

I have to request that you will prepare and submit to me a scheme of secondary education founded on the above suggestions.

I have, &c.
(signed) *Granville.*

— No. 5. —

(No. 147.)

No. 5.
Governor Gordon, C.M.G., to Earl Granville, K.G.
24 November 1869

COPY of a DESPATCH from Governor the Honourable *A. H. Gordon*, C.M.G., to the Earl *Granville*, K.G.

My Lord, Trinidad, 24 November 1869.

I HAVE the honour to enclose for your Lordship's information the copy of a message on the subject of Primary Education which I lately transmitted to the Legislative Council.

2. That message states so fully the nature of the plans of which I have proposed the adoption, and the reasoning which has led to their formation, that it is, I think, unnecessary for me to weary your Lordship.

3. The main object of my scheme is, to improve the condition of the schools by the creation of a local interest in their efficiency.

This interest I am convinced cannot be created unless the management of the schools partakes also to a great degree of a local character, and in the present state of the island such local management is impossible, unless permission is given for the teaching of religion in schools where the founders desire that this should be the case.

4. It is a fact worthy of notice, that a scheme very similar in many respects to that proposed in the accompanying message, but of a somewhat more decidedly denominational character has lately been adopted in British Guiana.

I had no previous knowledge of the intentions of that government, and it is remarkable that our conclusions should have so nearly coincided.

5. The resolution (No. IX.) with respect to compulsory education, is prepared rather with the view of eliciting an expression of opinion from the council favourable to its principle, than with any expectation that for many years to come it can be practically enforced.

6. It may be thought that I have dwelt at unnecessary length upon the opinions of Lord Harris, but so much has been done to create a prejudice against any scheme which I might propose, as being a departure from the views of a governor so universally respected, and an act of disrespect to the memory of his administration, that I thought it well to deprive this weapon of its force by proving that Lord Harris was by no means indisposed to the adoption of a scheme not very unlike that which is now suggested.

7. I do not now anticipate so much difficulty in securing the passage of these resolutions as I at first anticipated.

I have, &c.
(signed) *Arthur Gordon.*

Enclosure in No. 5.

MESSAGE TO THE LEGISLATIVE COUNCIL.

Encl. in No. 5.

ARTHUR GORDON,

THE Governor desires to call the serious attention of the Board of Council to the present position and prospects of primary education in the island.

The subject is one respecting the importance of which there can be no question, and which has long occupied not only his own thoughts, but those of all truly interested in the moral and intellectual progress of the Colony.

Before his arrival in Trinidad, the Governor was informed by his predecessor, Sir J. H. T. Manners-Sutton, that popular education was one of the two subjects with which he would find it most difficult to deal; and that the consideration of changes in the existing system could not long be delayed, although their discussion would be attended with much difficulty and embarrassment.

Shortly after his Excellency had assumed the government, a petition for the abolition of the present common schools, and the substitution of a denominational system of education, was presented to him by Archbishop Gonin.

The petition, a copy of which is now submitted to the Board, was signed by the archbishop alone, but the principal lay members of the Roman Catholic Church subsequently waited on the Governor and expressed their concurrence in its prayer.

This petition was, along with others, transmitted to the Secretary of State for the Colonies for the consideration of the Imperial Government, and a correspondence ensued, of which extracts of so much as relates to the subject of primary education are now laid before the Board.

In the spring of 1868, the Governor appointed two Commissiners to inquire into the alleged deficiency of religious instruction among the pupils attending the ward schools; and, at a later period of the same year, it was determined by the Duke of Buckingham and Chandos, then Secretary of State for the Colonies, to appoint a Special Commissioner to investigate the state of education in all its branches in the island.

The gentleman originally selected for this duty was accidentally prevented from leaving England, and its performance ultimately devolved on Mr. P. J. Keenan, one of the chiefs of inspection of the Irish National Board of Education, whose official position, great experience, and undoubted ability, marked him out to Earl Granville as conspicuously well qualified for the task. His report is now laid before the Board, together with those of the Commissioners specially appointed to inquire into the religious knowledge of the pupils attending the ward schools.

The members of the Board will find the mass of facts thus collected of the utmost interest. The local commissioners performed their duty with a care and conscientiousness which call for his Excellency's grateful recognition, whilst the accute and rapid observation, untiring activity, and graphic power of Mr. Keenan have rendered his report a storehouse of curious and valuable information.

Nevertheless, it is impossible to peruse these reports without a sensation of the deepest disappointment. They show that the secular teaching of the ward schools is, for the most part, feeble and inefficient; whilst the religious training of the pupils, proscribed in the school itself, appears to be wholly neglected elsewhere: the anticipation that such teaching would be afforded by the parents of the children and ministers of religion having proved wholly illusory.

It cannot, the Governor fears, be doubted, that the present system of education has failed to produce its anticipated fruits.

It was imagined that the plan of the schools established in 1851 would render them acceptable to the members of every church alike.

The anticipation was not unreasonable; but here, as in Ireland, its realization has been disappointed.

The lukewarm support at first given to the system by the largest religious body in the island has been converted into active hostility, and, with few exceptions, it is regarded with suspicion and distrust by the clergy of all denominations, without whose assistance it is everywhere difficult to secure the general reception of any educational scheme, and particularly so in this Colony.

It was assumed that the Board of Education would exercise a vigilant and active supervision over the system placed under its control. That assumption has unfortunately not proved to be well founded.

It was thought certain that trained masters, under the immediate control of a Government inspector, would prove abler instructors than the teachers previously employed. This, certainly ought to have been the case, and very probably is so; but it is hard to conceive any system of education affording much less satisfactory results than that which has led Mr. Keenan to report that, in all his vast experience, "the worst specimen of bad teaching he ever witnessed was a reading lesson in a ward school."

It was supposed that the children of Indian immigrants would be attracted to schools founded on the existing system, but hardly an Indian child attends any of the ward schools of the Colony, whilst the small number of immigrant children who are now receiving education, are almost exclusively to be found in private schools of the strictest denominational character, unaided and uninspected by the State.

It was believed that the ward schools, becoming the common schools of the island, would supersede all others, and assume a national character; but this is far from being the case, as it appears that a very large proportion of the boys now receiving education, and far more than half of the girls, will be found in schools of an avowedly denominational character, over which the Government has no control whatever, and which offer no guarantee for the qualifications of the teacher, nor for the character of the secular instruction imparted therein, whilst, notwithstanding the increase of population, the attendance at the ward schools has not increased appreciably during the last 10 years, and is indeed smaller now than was the case five years since.

That after 18 years of trial, under the direction of the ablest men in the Colony, the results of the existing system should be such as these, is the most emphatic condemnation of its adaptability to the wants and wishes of the island, and the Governor has slowly and reluctantly arrived at the conviction, that it stands in need of immediate and considerable reform.

The main causes of this failure are, in his Excellency's opinion, three: the inefficiency generally speaking of the schoolmasters, the inactivity of the Board of Education, and above all, the absence of any vigorous local supervision over the schools, and the want of any strong local interest in their success.

Much may be done to raise the class of teachers by an improved system of training. In dwelling on the necessity for such improvement, however, it is only right that the Governor should recognise the fact, that there are bright exceptions to the general apathy, and that men sedulously occupied with the advancement of their pupils, and sincerely anxious to improve

improve their own education, are to be found among the schoolmasters of the Colony, whilst, not long since, a work was published by one lately of their number, and now in the service of the Crown, which has been read with interest in Europe and America, and received the approval of critics whose notice confers celebrity.

It is possible also that the Board of Education may hereafter display an hitherto unwonted energy, although his Excellency's experience of boards here and elsewhere, does not lead him to entertain sanguine expectations of such a result: but in any case, it is absolutely essential to the success of a school, that it should be subjected to constant local supervision, and that supervision cannot be effective, unless a true and lively interest is taken in the school by those to whom that supervision is intrusted.

But the Governor believes that such interest will never be taken in the schools so long as religious teaching is wholly proscribed within them.

The necessity of local management was fully recognised by Lord Harris, whose intention it was, as stated in his message of the 2nd April 1851, to vest the choice of the schoolmaster, the selection of the school books, and the direction of the course of instruction in a local committee, and it is much to be regretted that the measures contemplated by him to secure this object, were never carried out.

It is this local element which the Governor now deems it essential to restore, or rather to introduce, for it has never yet been tried except in one instance, where it has been attended with most marked success. The Coolie Orphan Home, at Tacarigua, is an example of an institution privately founded, governed by local management, and aided on certain conditions by the Government. Can any one suppose that the results which have there been obtained by vigilant and anxious local supervision would have been secured, had the institution been under the direct control of the Government, acting through the occasional visits of an inspector, and with the local element represented only by the perfunctory visits of a warden.

But, as the Governor has already said, this local interest and supervision it is impossible to obtain, if religious teaching be wholly banished from the schools; and it is therefore proposed that, whilst the State will only occupy itself with the secular instruction of the pupils, and whilst such schools as remain under the exclusive control of the Government, will retain their purely secular character, the question of the introduction or omission of religious teaching should, in privately established schools aided by the State, be left to the decision of the local managers.

It is necessary that this should be the case, because if aid be given to schools privately founded and locally managed, it will be impossible to deny to the clergy the privilege accorded to others of founding and managing schools, whilst it will generally (though, of course, not universally) be found that those laymen who are interested in the education of the young, and disposed to make sacrifices with that object, entertain decided views on religion, and would take but little interest in a system of training from which the religious element was wholly excluded. It may be objected that a large portion of the schools founded under this system will be at least partially under the control of the clergy. Probably it will be so, nor in the existing state of the island does his Excellency consider it a matter for regret. With or without the sanction of the State, a considerable portion of the work of education will undoubtedly fall into their hands, and it is better that it should do so, under the control and supervision of the Government than without the guarantees which such supervision affords; nor is it reasonable that those who, it will probably be admitted, take, as a body, more interest than any other class in the advancement of education should be wholly debarred from a share in its direction. Moreover, although the State should not, in his Excellency's opinion, have any direct connection with religious teaching, his Excellency cannot but recognise it as an advantage that children should have the religious influences of their own nominal faith brought to bear upon them, rather than that, as is at present too often the case, they should grow up in practical heathenism.

To the importance of obtaining the active co-operation of the clergy Lord Harris was fully alive. In a despatch to Lord Grey, accompanying his message on the subject of secular education, he states that he intended that "the ministers of all religious congregations in each district should be members of the local committee of education;" and in another despatch, in which, after stating that the clergy of the Church of England had "a great dislike to the Government proposal," whilst those of the Church of Rome "generally manifested a disposition to approve," he dwells upon the importance of receiving the "support and assistance" of the clergy, whom he styles "the most necessary body of men in the island." He says, "from the nature of the occupations of nearly all the upper classes of the laity little help can be expected from them; it is therefore very necessary to consider whether some plan might not be adopted by which Government might insist upon a good secular education being given, and at the same time render it agreeable to the feelings, and make available the services of so valuable a body of men as the ministers of all the religious bodies in the island; and this appears to me to be most worthy of consideration from the nature of the population composed of five or six different nations, with no high moral tone, badly educated, and liable to be carried away by their feelings. It is easy to see that great influence can be gained over them by their religious teachers, and this influence can be directed for or against the scheme proposed by Government."

His Excellency is not, however, prepared to go so far as Lord Harris, who, in his Despatch, No. 11, of the 2nd February 1847, informs Lord Grey that, in addition to the establishment of ward schools, he contemplates the grant of pecuniary aid "to all schools belonging to religious bodies which will subscribe to the Government conditions, viz., that

they should give purely secular instruction for four hours in each of five days of the week; nor can his Excellency propose to aid schools of an exclusive and strictly denominational character.

Every school supported by the State must, in his Excellency's opinion, not only be open at all times to the Government inspectors, but must be accessible to all children of the neighbourhood, without distinction of religion or race, and must offer solid guarantees for abstinence from proselytism and intolerance, by subjecting its rules and course of teaching to the Board of Education, and by empowering the Board at any moment to cancel the certificate of the teacher. Moreover, his Excellency is disposed to require that one at least of the managers of the school shall in all cases be a layman, and that where any considerable number of the pupils are of a different faith from the majority, one of the local managers should be taken from among the neighbouring residents of the same faith.

In order to give effect to these views, the Governor has prepared certain resolutions which he has directed to be now laid before the Board.

These resolutions, after recognising the at least partial failure of the existing system, lay down the conditions upon which aid will be afforded by the State to schools privately established, and the nature of the aid to be so afforded.

They further provide for the discontinuance of the ward schools in localities where schools under local management have been established to the satisfaction of the Board of Education; but it should be fully understood, that in the event of the subsequent failure of such newly-established schools, the ward schools will be again resumed on their present system.

An opinion is expressed, that the expenses of education should be defrayed by a separate educational rate, and that some pressure should be placed upon parents who refuse or neglect to take advantage of the educational advantages offered to their children.

The establishment of a reformatory industrial school is also provided for, and the Board will be asked to express an opinion that special means should be taken to provide education for immigrant children, experience having shown that the existing educational machinery is wholly powerless to reach them.

Finally, authority is given to the Board of Education to make rules and regulations for carrying this scheme into effect, subject to the approval of the Legislative Council. On these rules the efficient working of the system must in a great degree depend; and the consideration of many important points, such as the nature of the examinations which are to entitle schoolmasters and schoolmistresses to certificates; the character of the training they are to receive, &c., is deferred until the time arrives for their preparation, his Excellency considering it better to confine his resolutions to the assertion of principles displaying the outline of his scheme, and leave the details to be filled up by the help of the Board of Education.

Within the last few days the Governor has learned that an educational scheme has very lately been adopted in Demerara absolutely identical in principle with that of which these resolutions present the outline, and closely resembling it in many of its details. Of this plan the Governor had no previous knowledge, and, indeed, has become acquainted with it only from the public newspapers. That his Excellency and the Government of British Guiana should, without the least communication, have arrived at the very same conclusions as to the system of education most calculated to be useful in a state of society such as that which exists in both Colonies, is in itself a strong argument in favour of the soundness of the result at which they have separately arrived.

His Excellency trusts that it will be clearly understood that in proposing modifications of the scheme originated by Sir Henry Macleod, and carried into effect by Lord Harris, he is not in any manner passing censure on that scheme, which, when first established, seemed not unlikely to be attended with success, or expressing any disapproval of its principle; nor are the alterations now suggested inconsistent with the views and wishes of its authors.

The most important change proposed, the introduction of a system of local management, is one which was always contemplated by Lord Harris himself.

The other, the removal of the prescription on religious teaching, is one to which he had evidently not only had no strong objection, but which he would have desired to see introduced if possible.

In a Despatch to Lord Grey, in which Lord Harris expresses his regret that resolutions in favour of a strictly secular system of education should have been adopted under the government of Sir Henry Macleod, he goes on to explain the scheme which he himself deemed preferable, viz., "a system of secular instruction established and directed by Government, but combining with it religious instruction, to be under the direction of the ministers of that religious body which may happen to be the most numerous in the locality; no forced attendance being required at the religious instructions." "This plan," says Lord Harris, comparing it with others suggested, "would be the most difficult to establish, but I cannot but think it might be brought to work best in the end;" and although circumstances ultimately induced him to waive his own opinion in favour of the policy already adopted by the council, the Governor sees no reason to suppose that his own views were altered, whilst the last despatch addressed by him to Lord Grey upon the subject is that in which he announces his intention of establishing a system of local management, in which the clergy were to take part, and of assisting purely denominational schools wherein efficient secular instruction was given.

Since 1851 the aspect of this question has greatly changed, and when his Excellency finds that those who in the first instance were the warm supporters of the scheme, and on whose

whose concurrence it, to a great degree, must depend, for success, have become its bitter opponents; that half the children who are being educated at all, receive that education, such as it is, in miserably inefficient sectarian schools; that those who profess to approve of the existing system for the most part, afford it but a cold and indifferent support, destitute of all hearty interest; and that the female children, whose education is perhaps of more importance than that of any other class, are growing up, so far at least as their attendance at the ward schools is concerned, almost without any education whatsoever, he cannot allow respect for a name, regard for his own ease or any abstract preference of his own, to prevent him from proposing the substitution of a scheme which will, he believes, secure the cordial co-operation of those interested in the work of education who now stand aloof from such co-operation, and which will at the same time ensure good secular instruction, under the supervision of the State, to hundreds of children over whose education the Government has at this moment no control whatever.

The Governor is well aware that in bringing forward these proposals he cannot anticipate that they will receive unanimous approval. They will disappoint those who desire a return to a purely denominational system, free from all Government interference or control; they will encounter the opposition of those who, from one or other of various causes, object to any even partial delegation to private persons of what they hold to be the duty of the State; they will be distasteful to those naturally biassed in favour of a scheme which they have assisted to frame or to administer; but his Excellency is convinced that the time has arrived when it has become necessary to reconsider the whole of this great question, and, in the discharge of an imperative duty, he submits to the board a plan for remedying evils which none but those who are determined resolutely to shut their eyes to all defects in the existing system, can fail to see.

It is a plan which may be open to objections, but which has at least been framed with studious impartiality and an entire freedom from the prejudices and passions which warp the judgment, and his Excellency now leaves his proposals to the calm and dispassionate consideration of the Board.

Their importance renders it certain that they will be carefully and candidly investigated by the members of the Legislative Council, and he trusts they will be received in a similar spirit by the community at large.

It is true that the subject is closely connected with others on which men are wont to feel deeply, speak warmly, and act decidedly; yet it is by no means inseparable from them, and may be and ought to be discussed without disrespect to the convictions, injury to the feelings, or offence to the prejudices of any class or individual.

In this scheme the aid of the State is measured only by the efforts of those to whom that aid is given; and if the principle be once admitted (and the position is surely one not unsusceptible of argument) that the State, whilst itself providing for the education of those otherwise unable to obtain it, should also aid the efforts of those engaged in extending its benefits, his Excellency is at a loss to perceive with what colour of justice its application, in a mode which marks no preference, and confers no ascendancy, can be made the instrument for exciting angry passions and rousing sectarian animosities.

And he has a right to require that these passions shall not be allowed to disturb the harmonious action which is essential to the success of any general and united effort for the improvement of education; and to anticipate that those lovers of mischief who may seek to excite them will be rebuked, as they deserve, by the good sense and good feeling of the people.

His Excellency will, on a subsequent occasion, call the attention of the Board to the subject of collegiate education, of which Mr. Keenan's report also treats.

The Governor does not conceive that the suggestion of Mr. Keenan for the constitution of a West Indian University is one susceptible at present of practical application, nor, deeply impressed as he is with the expediency of maintaining one single collegiate institution, if that institution is to be efficient, does he think the alternative suggested by Mr. Keenan one which he can recommend to the favourable consideration of the Board.

At the same time his Excellency cannot deny that the actual position of the Queen's Collegiate School, so far as regards its support by the community at large, is eminently unsatisfactory, and it is most desirable that a liberal education, and the exhibitions founded by the State, should be rendered available to those who from conscientious motives are at present unable to benefit by the advantages now limited to that institution.

But his Excellency believes that means of effecting these objects might, without serious difficulty, be found, and resolutions framed with that view will shortly be laid before the Board.

By command,

J. Scott Bushe,
Colonial Secretary.

Government House, 19 November 1869.

Number of Pupils on Roll of Ward Schools on 31st December.

1858	1654
1859	1623
1860	1819
1861	2072
1862	2113
1863	2069
1864	1823
1865	1771
1866	1877
1867	1873
1868	1967

Number of Pupils on Roll on 31st December 1868, in each Class of Schools in the Colony.

	Secular.	Denominational.
Superior Education	72	193
Model Schools	437	—
Borough Schools	433	—
Ward Schools	1,967	—
Church of England Schools		1,005
Roman Catholic Schools	—	1,330
Other Denominations	—	228
Coolie Orphan Home	—	54
	2,909	2,810

Proposed Resolutions.

Resolved,—

I. That the system of Primary Education established in conformity with the Resolutions of the Legislative Council of the 19th April 1851, has but partially effected the objects for which it was designed, and requires important modifications.

II. That henceforth schools established by private persons shall be entitled to receive aid from the Government on compliance with the following conditions:—

1°. That the property and control of the school is vested in a local manager or managers having the power,—

A. to appoint the teacher, provided he or she be one duly certificated by the Board of Education.

B. to dismiss the teacher on giving three months' notice, and subject to appeal to the Board of Education.

C. to make use of the school-house for any lawful purpose before and after school hours.

D. to grant holidays and vacations, provided the school be kept open not less than 200 days annually.

2°. That the number of pupils who may be expected to attend such school, and other local circumstances, are such as in the opinion of the Board of Education to warrant its establishment.

3°. That the teacher of the school is one duly licensed by the Board of Education.

4°. That the school is open to all children without distinction of religion or race.

5°. That no child receives any religious instruction objected to by the parent or guardian of such child; or is present whilst such instruction is given.

6°. That free access is given, under regulations approved by the Board of Education, to all ministers of religion who may desire to afford religious instruction to children of their own persuasion, being pupils in such schools.

7°. That the school is at all times open to inspection.

8°. That the fees (if any) payable by the scholars do not exceed in amount a scale to be fixed by the Board of Education.

9°. That the average attendance of scholars does not fall below a number to be fixed by the Board of Education.

10°. That the rules are subject to the approval of the Board of Education.

III. That the aid to which such schools are to be entitled shall consist of,—

1°. Provision for the remuneration of the teachers; by

(*a.*) A fixed salary, dependant upon the possession of a first, second, or third class certificate, obtainable by examination.

(*b.*) A capitation grant, paid proportionately to the educational results certified annually by the inspector of schools.

(*c.*) A capitation grant, paid proportionately to the attendance of pupils certified quarterly by the local manager or managers.

2°. Grants in aid of the erection of buildings and supply of necessaries, proportionate to the amount obtained from private sources.

IV. That where schools of the above description are established, and have come into operation to the satisfaction of the Board of Education, the present ward schools may be discontinued.

V. That in the event of the non-establishment of such schools in any locality, or of their subsequent failure to comply with the conditions enumerated in the second resolution, provision be made for the education of the children of such districts by the establishment of schools of secular instruction on the plan of the existing ward schools.

VI. That

VI. That in the opinion of this Board any parent residing within miles of a school receiving Government aid and having children residing with him above the age of years, who shall neglect to send such children to school, should be subjected to disabilities calculated to discourage his persistence in conduct so injurious to the interests of the community.

VII. That a reformatory and industrial school for criminal and vagrant children be established at the cost of the Colony.

VIII. That in the opinion of this Board special provisions should be made for the education of the children of Indian immigrants.

IX. That a special rate for educational purposes be paid along with the ward rates, which, in the opinion of the Board, shall be proportionally diminished.

X. That if this rate be insufficient to meet the expenses incurred on account of education, the residue be defrayed from the general revenue of the Colony.

XI. That the Board of Education have power, from time to time, to make rules and regulations to carry into effect the foregoing resolutions: such rules and regulations to be laid before the Legislative Council for approval at its next meeting after their adoption by the Board of Education.

— No. 6. —

(No. 146.)

No. 6.
Earl Granville, K.G., to Governor the Hon. A. H. Gordon, C.M.G.
29 December 1869.

COPY of a DESPATCH from the Earl *Granville*, K.G., to Governor the Honourable *A. H. Gordon*, C.M.G.

Sir, Downing Street, 29 December 1869.

I HAVE to acknowledge the receipt of your Despatch, No. 147,* of 24th ult., enclosing copy of a message to the Legislative Council of Trinidad on the subject of Primary Education.

I shall await with interest the results of this message, and of the resolutions that accompany it.

I have, &c.
(signed) *Granville.*

* Page 103.

— No. 7. —

(No. 157.)

No. 7.
Governor the Hon. A. H. Gordon, C.M.G., to the Earl Granville, K.G.
9 December 1869.

COPY of a DESPATCH from Governor the Honourable *A. H. Gordon*, C.M.G., to the Earl *Granville*, K. G.

My Lord, Trinidad, 9 December 1869.

I HAVE had the honour to receive your Lordship's Despatch, No. 129,* of the 12th ultimo, on the subject of education.

2. I have already in my Despatch, No. 147,† of the 24th ultimo, submitted to your Lordship the message and resolutions relating to Primary Education, which I laid before the Legislative Council on the 19th ultimo.

3. I am glad to be able to inform your Lordship that I have been most agreeably surprised by the general approval with which the scheme so proposed has been received.

4. I had anticipated it would have met with considerable opposition, but, except to a very few, it appears to have afforded general satisfaction.

5. I will shortly forward to your Lordship a scheme of secondary education which I hope may be in accordance with your Lordship's views.

Should I in this instance also be so fortunate as to secure the general approval, I shall have achieved a success in the treatment of this difficult and important question, which I by no means ventured to anticipate, and which I still hardly dare to hope.

I have, &c.
(signed) *Arthur Gordon.*

* Page 102.

† Page 103.

— No. 8. —

No. 8.

(No. 165.)

Governor the Hon. A. H. Gordon, C.M.G., to the Earl Granville, K.G.

COPY of a DESPATCH from Governor the Honourable *A. H. Gordon*, C.M.G., to the Earl *Granville*, K.G.

My Lord, Trinidad, 24 December 1869.

4 December 1869. I HAVE the honour to enclose a copy of certain resolutions on the subject of primary education, adopted by the Legislative Council on the 21st instant.

2. Your Lordship will observe that these resolutions are, with a few trifling exceptions, identical with those appended to my message to the Legislative Council of the 19th ultimo, a copy of which was transmitted to your Lordship in my Despatch, No. 147,* of the 24th ultimo.

* Page 103. These alterations consist of, 1st., the omission in resolution II., § 1° B. of the words "on giving three months' notice," it being thought that an appeal to the Board of Education afforded a sufficient protection to the schoolmaster, whilst cases of misconduct or insubordination might arise which would render the necessity for giving three months' notice highly inconvenient.

2nd. The insertion of the words "and books of secular instruction," in the same resolution, § 10°.

3rd. A few verbal alterations in the fifth resolution to obviate all possibility of misapprehension as to its meaning.

3. The resolutions were adopted by a majority of 10 to 3; the Attorney General and two unofficial members having voted against them, and all the other members present in their favour.

One member of the Board was absent.

4. It is a great satisfaction to me to be enabled to report to your Lordship that not only was the discussion conducted with the utmost courtesy and temper, but that the impartial and liberal nature of the proposed scheme was recognised equally by those of the most opposite views; whilst it obtained the unexpected support of some who decidedly prefer the previously existing system, but whose candour compelled them to recognise the necessity for its modification in the sense suggested.

5. On the day following the passage of these resolutions a meeting of the Board of Education was held, and an executive committee to carry the new system into effect was named. Various sub-committees were also appointed to consider the steps to be taken for establishing the reformatory and industrial schools; the best mode of providing education for immigrant children; the nature of the qualifications to be required from teachers before granting them certificates; the regulations under which religious instruction is to be given, and various other matters.

The best possible spirit prevailed at the Board, and I am happy to say that in only one instance has the offer, which I have made of a seat at it, been rejected.

6. I am certain that your Lordship will share the satisfaction I feel at the settlement of a question which has long been the cause of much irritation and bitterness. It has now been set at rest in a manner which affords a triumph to no party, and which is admitted to be fair and equitable. And, I believe I may safely assert, the resolutions now adopted to have obtained the general and almost universal approval of the community.

I have, &c.
(signed) *Arthur Gordon.*

Enclosure in No. 8.

RESOLUTIONS.

Resolved,—

I. That the system of primary education, established in conformity with the resolutions of the Legislative Council of the 19th April 1851, has but partially effected the objects for which it was designed, and requires important modifications.

II. That

II. That henceforth schools established by private persons shall be entitled to receive aid from the Government on compliance with the following conditions:—

1°. That the property and control of the school is vested in a local manager or managers having the power,—

A. to appoint the teacher, provided he or she be one duly certificated by the Board of Education.

B. to dismiss the teacher subject to appeal to the Board of Education.

C. to make use of the school-house for any lawful purpose before and after school hours.

D. to grant holidays and vacations, provided the school be kept open not less than 200 days annually.

2°. That the number of pupils who may be expected to attend such school, and other local circumstances, are such as in the opinion of the Board of Education to warrant its establishment.

3°. That the teacher of the school is one duly licensed by the Board of Education.

4°. That the school is open to all children without distinction of religion or race.

5°. That no child receives any religious instruction objected to by the parent or guardian of such child; or is present whilst such instruction is given.

6°. That free access is given, under regulations approved by the Board of Education, to all ministers of religion who may desire to afford religious instruction to children of their own persuasion, being pupils in such schools.

7°. That the school is at all times open to inspection.

8°. That the fees, if any, payable by the scholars do not exceed in amount a scale to be fixed by the Board of Education.

9°. That the average attendance of scholars does not fall below a number to be fixed by the Board of Education.

10°. That the rules and books of secular instruction are subject to the approval of the Board of Education.

III. That the aid to which such schools are to be entitled, shall consist of,—

1°. Provision for the remuneration of the teachers; by

(a.) A fixed salary, dependant upon the possession of a first, second, or third-class certificate, obtainable by examination.

(b.) A capitation grant, paid proportionately to the educational results certified annually by the inspector of schools.

(c.) A capitation grant, paid proportionately to the attendance of pupils certified quarterly by the local manager or managers.

2°. Grants in aid of the erection of buildings and supply of necessaries, proportionate to the amount obtained from private sources.

IV. That where schools under local management are established, and have come into operation to the satisfaction of the Board of Education, the present ward schools may be discontinued.

V. That in the event of the subsequent failure of such schools in any locality to comply with any of the conditions enumerated in the second resolution, provision be made for the education of the children of such locality in schools of secular instruction on the plan of the existing ward schools.

VI. That in the opinion of this Board any parent residing within two miles of a school receiving Government aid and having children residing with him above the age of seven years, who shall neglect to send such children to school, should be subjected to disabilities calculated to encourage his persistence in conduct so injurious to the interests of the community.

VII. That a reformatory and industrial school for criminal and vagrant children be established at the cost of the Colony.

VIII. That in the opinion of this Board special provision should be made for the education of the children of Indian immigrants.

IX. That a special rate for educational purposes be paid along with the ward rates, which, in the opinion of the Board, should be proportionately diminished.

X. That if this rate be insufficient to meet the expenses incurred on account of education the residue be defrayed from the general revenue of the Colony.

XI. That the Board of Education have power, from time to time, to make rules and regulations to carry into effect the foregoing resolutions; such rules and regulations to be laid before the Legislative Council for approval at its next meeting after their adoption by the Board of Education.

— No. 9. —

(No. 167).

No. 9.
Earl Granville, K.G., to Governor A. H. Gordon, C.M.G.
1 February 1870.
* Page 110.

COPY of a DESPATCH from the Earl Granville, K.G., to Governor the Honourable *A. H. Gordon*, C.M.G.

Sir, Downing-street, 1 February 1870.

I HAVE received your Despatch, No. 165,* of the 24th of December, forwarding a copy of resolutions, on the subject of primary education, adopted by the Legislative Council on the 21st of December.

I congratulate you on the success which has attended your judicious and energetic endeavour to place the education of the people in Trinidad on the best footing which local circumstances will permit.

I have directed a copy of your Despatch and its enclosures to be communicated to the Lords of the Commissioners of Privy Council for Education. I have to request that you will send home copies of the rules and regulations adopted by the Board of Education from time to time for giving effect to these resolutions.

I have, &c.
(signed) *Granville.*

— No. 10. —

(No. 6.)

No. 10.
Governor A. H. Gordon, C.M.G., to Earl Granville, K.G.
25 January 1870.

EXTRACT from a DESPATCH from Governor the Honourable *A. H. Gordon*, C.M.G., to the Earl *Granville*, K.G., dated Trinidad, 25 January 1870.

I HAVE the honour to enclose for your Lordship's information a copy of the rules with respect to the examination and classification of teachers, agreed upon by the Board of Education. The Board is now busily engaged on the regulations under which aid is to be given to schools privately established, and I hope to send them by the next packet.

Encl. 1, in No. 10.

Enclosure 1, in No. 10.

THE following Rules have been passed by the Board of Education :—

RULES with regard to the EXAMINATION of TEACHERS.

I. Examiners shall be appointed and examinations held in the beginning of July 1870, and the beginning of January 1871; at the former of which third-class certificates only shall be adjudged, at the latter both third and second-class certificates.

II. These examinations shall be open to all masters of schools, and also to all other persons (subject to the regulations contained in VI.), between the age of 18 and 28, who shall present to the Board of Education a certificate of good conduct, as well as a certificate from a member of the Medical Board that they are in good health and free from any cutaneous disease.

III. In addition to the certificates required by the last rule, every candidate for a third-class certificate, not being a master of a school, shall have served as monitor or normal student for at least one year; every candidate for a second-class certificate shall have served as master of a school for at least one year; and every candidate for a first-class certificate shall have served as a master for at least two years. Certificates to this effect signed by the inspector of schools shall be presented to the Board before the applicants are admitted to the examination.

IV. The last rule shall be so far modified in the case of the examinations to be held in July 1870 and January 1871, that the candidates may present the certificates required therein at any time within three months after the examination, and that in the July examination the period of service shall be reduced to six months.

V. The subjects of examination for a third-class certificate shall be—

(1.) Reading aloud a passage from some English prose author, and also a passage from some English poet.

(2.) Writing

(2.) Writing from dictation.

(3.) Writing a short English composition.

(4.) English grammar, including the analysis of sentences.

(5.) Geography, with special reference to the West Indies and the British possessions and their products.

(6.) Joyce's School Management, Part 2.

(7.) Cowper's Task Book, I. (This subject will be changed, for the examination in January 1871.)

(8.) Arithmetic.

(9.) Algebra to simple equations, inclusive.

(10.) Euclid, Books I. and II.

VI. For a second class certificate the following *additional* subjects shall be required.

(1.) Wordsworth's Excursion, Book I.

(2.) Joyce's School Management, Part I.

(3.) Euclid, Books III. and IV.

(4.) Algebra: Quadratic equations, the progressions and proportions.

(5.) Physical geography.

VII. Every candidate shall be required to satisfy the examiners in all the above subjects.

VIII. Neither second nor first-class certificates shall be given to any teacher of a school in this island unless, in addition to passing the necessary examination, the inspector shall report that the school of which he is teacher has been well conducted; that the books have been regularly and correctly kept; that the school premises have been maintained with neatness and order; and that cleanliness in person and habits has been enforced on the pupils.

IX. Every master not holding a first class certificate shall present himself for examination once a year.

R. Lechmere Guppy,
Secretary to the Board of Education.

Enclosure 2, in No. 10. Encl. 2, in No. 10.

PROPOSED RESOLUTIONS.

I. That in the opinion of this meeting the new scheme of Popular Education is unsatisfactory:—

(1.) Because it is a concession to the demands of those persons to whose indifference or hostility the assumed failure of the educational system established by Lord Harris is mainly attributable.

(2.) Because, whilst it provides for the gradual displacement of the ward schools by schools privately established and aided by the State, it leaves the existing system in actual operation with its alleged evils unremedied, and makes provision for its re-establishment on its present footing wherever the new system shall have failed to maintain itself.

(3.) Because by giving State aid to denominational schools, and by making a portion of that aid dependent upon the number of pupils found in such schools, it encourages a spirit of rivalry and contention amongst the various religious bodies in the island, whilst it substitutes a multiform system of dogmatic teaching for the general inculcation of the broad truths of our common Christianity.

(4.) Because the abandonment of the principle of secular education is a departure from the policy pursued in this Colony since 1851, and a divergence from the main current of thought in the mother country.

Moved by Mr. Knox. Seconded by Mr. Urich.

II. That this meeting believes that Lord Harris's system of secular education is sufficiently elastic to meet all reasonable objections on the part of those who now refuse to assist in working it.

Moved by Mr. Billouin. Seconded by Mr. Watts.

III. That an Education League be at once formed, with the object of procuring for Lord Harris's system a fairer trial than it has yet had, and of watching narrowly and jealously the working of such schools as may be established under the new system.

Moved by Rev. J. Law. Seconded by Mr. Collymore.

— No. 11. —

No. 11.
R. G. W. Herbert, Esq., to Secretary Education Department, Privy Council Office. 28 February 1870.

COPY of a LETTER from *R. G. W. Herbert*, Esq., to the Secretary to the Education Department, Privy Council Office.

Sir, Downing-street, 28 February 1870.

No. 6, 25 January 1870, page 112.

I AM directed by Earl Granville to transmit to you copy of a Despatch from the Governor of Trinidad, enclosing the rules agreed upon by the local board of education for the examination and classification of teachers, and I am to request to be informed whether the Committee of Council on Education have any suggestions to make respecting the proposed rules.

I am, &c.
(signed) *R. G. W. Herbert.*

— No. 12. —

(No. 19.)

No. 12.
Governor A. H. Gordon, C.M.G., to Earl Granville, K.G. 24 February 1870.

EXTRACT from a DESPATCH from Governor the Honourable *A. H. Gordon*, C.M.G., to the Earl *Granville*, K.G., dated Trinidad, 24 February 1870.

I HAVE the honour to enclose, for your Lordship's information, a copy of the rules and regulations agreed to by the Board of Education for the purpose of carrying out the scheme contained in the resolutions adopted by the Legislative Council on the 21st December last.

It affords me much satisfaction to be enabled to report to your Lordship that the meetings of this Board continue to be conducted in the best possible spirit, and that a disposition to conciliate differences and arrange points of disagreement by mutual concession has prevailed on all sides. The Board is so unwieldy from its numbers (29) that its work is practically done by an executive committee, consisting of four Protestant and four Roman Catholic members, and their conclusions are laid before the general Board for discussion and approval.

When the time arrives for framing the educational ordinance I shall probably consider it expedient to limit the number of the Board of Education, but at present it appeared to me desirable to engage as many persons as possible in the working of the new scheme, and thus secure the support of some who might otherwise be neutral or even perhaps hostile to its adoption.

Enclosure in No. 12.

Encl. in No. 12.

TRINIDAD.

RULES and REGULATIONS of the BOARD OF EDUCATION.

I. *Rules with regard to the Examination of Teachers.*

1. EXAMINERS shall be appointed and examinations held in the beginning of July 1870, and the beginning of January 1871; at the former of which third-class certificates only shall be adjudged; at the latter, both third and second-class certificates.

2. These

2. These examinations shall be open to all masters of schools, and also to all other persons (subject to the regulations contained in rule 3) between the age of 18 and 28, who shall present to the Board of Education a certificate of good conduct, as well as a certificate from a member of the Medical Board that they are in good health, and free from any cutaneous disease.

3. In addition to the certificates required by the last rule, every candidate for a third-class certificate (not being a master of a school) shall have served as monitor or normal student for at least one year; every candidate for a second-class certificate shall have served as master of a school for at least one year; and every candidate for a first-class certificate shall have served as a master for at least two years. Certificates to this effect, signed by the inspector of schools, shall be presented to the Board before the applicants are admitted to the examination.

4. The last rule shall be so far modified in the case of the examination to be held in January 1871 that the candidates may present the certificates required by the rule at any time within three months after the examination; and that in the examination to be held in July 1870, the presentation of a certificate under rule 3 shall be dispensed with.

5. The subjects of examination for a third-class certificate shall be,—

(1.) Reading aloud a passage from some English prose author, and also a passage from some English poet.

(2.) Writing from dictation.

(3.) Writing a short English composition.

(4.) English grammar, including the analysis of sentences.

(5.) Geography, with special references to the West Indies, and the British possessions and their products.

(6.) Joyce's "School Management," Part 2.

(7.) Cowper's "Task," Book I. (This subject will be changed for the Examination in January 1871.)

(8.) Arithmetic.

(9.) Algebra, to simple equations, inclusive.

6. For a second-class certificate, the following *additional* subjects shall be required.

(1.) Wordsworth's "Excursion," Book I.

(2.) Joyce's School Management, Part I.

(3.) Euclid, Books I. II.

(4.) Algebra: quadratic equations, the progressions and proportions.

(5.) Physical Geography.

7. Every candidate shall be required to satisfy the examiners in all the above subjects.

8. Neither second nor first-class certificates shall be given to any teacher, unless in addition to passing the necessary examination, the inspector shall report that the school of which he is teacher has been well conducted; that the books have been regularly and correctly kept; that the school premises have been maintained with neatness and order; and that cleanliness in person and habits has been enforced on the pupils.

9. Every master not holding a first-class certificate shall present himself for examination once a year.

II. *Application for Grants in Aid of School Houses.*

10. Persons desirous of obtaining aid towards the establishment of primary schools may make application in writing to the Board of Education, to be addressed to the Secretary of the Board, and signed by the persons making such application, wherein shall be stated,—

(*a.*) The local situation of the proposed school-house, and the extent of the land to be appropriated to the use of such school house.

(*b.*) The number of children for whom accommodation is to be provided at such school.

(*c.*) The religious instruction to be given at such school.

(*d.*) The names of the proposed local manager or managers of such school.

11. Every such application shall be accompanied by a brief description or ground plan of the buildings, and an estimate of the cost of erecting the same, or of adapting any building as a school-house.

12. The name of the person proposed as teacher of any school shall be submitted to the Board of Education before the school is opened.

13. Every school-house shall be furnished with lavatories and latrines, and, where both boys and girls are admitted to the school, with separate latrines, for the use of the children of different sexes, so situated that there shall be no access from one to the other; and every school room shall be surrounded by a gallery of not less than eight feet in width, unless the Board shall in any case otherwise allow.

14. No aid will be granted to a school held in any church or chapel.

15. Before a grant to any school is recommended, the Board of Education is to be satisfied that the site is eligible; that the plan is approved of by the Superintendent of Public Works, and that the applicants have raised, or are prepared to raise, such sum as, together with the aid from Government, will be sufficient for the erection or adaptation of the school buildings, and the finding of school furniture, apparatus, &c. Every school-room shall be furnished with a clock, which shall be kept in proper order.

16. Priority of application will not be considered to give a preferential claim to aid.

17. A grant will be recommended for any proposed school in any rural district which may be within one statute mile of a school-house erected with aid from the Government only in those cases where the number of the population or other local circumstances may, in the opinion of the Board, justify the grant.

18. No teacher will be permitted to reside in the school-house.

19. Where the Board shall recommend a grant in aid, such recommendation will be submitted to the Governor, and if approved of by him, the amount of the grant will be carried in the books of the treasury to a separate account under the name of the proposed school.

20. The aid to be allowed by the Government towards any school-house shall be a sum equal to two-thirds of any amount, not exceeding the estimated cost actually expended in erecting or adapting the building, including out-offices and school furniture.

21. Before any part of any sum granted in aid by the Government is issued, the local contribution must be paid or secured to the satisfaction of the Board. In any case, contributions in materials or labour, at prices approved of by the Superintendent of Public Works, will be allowed, in lieu of a money payment.

22. The sum allowed in aid by the Government will be issued from time to time in such sums as the Superintendent of Public Works shall allow in proportion to the advance made in the erection of the buildings.

23. The buildings and furniture shall be kept in repair by the Government, but one-third of the expense shall be borne by the local managers.

24. No religious emblem or symbol shall be at any time affixed to the exterior of any part of any school-house, or exhibited in the school-room, except during the times appointed for religious instruction.

25. Grants of a similar kind to those made to ordinary primary schools will be made towards the establishment of infant schools in towns and districts sufficiently populous to warrant the expenditure.

26. The Board of Education reserves to itself the right to withdraw any grant whenever it sees fit.

III. *Religious and Secular Instruction.*

27. The religious instruction fixed by the local manager or managers shall be exclusively under the control of the local manager or managers. And every teacher shall give such religious instruction at such hours as the local manager or managers may direct.

28. Such religious instruction shall take place either before the commencement or after the close of the ordinary secular instruction, as the local manager or managers may determine, but no change in the time for giving such religious instruction shall be made without the sanction of the Board of Education.

29. No child shall be present at any religious instruction of which his parents or guardians disapprove.

30. Public notice of the times for religious instruction is to be given in large letters in a time table to be hung up in a conspicuous part of the school-room.

31. No religious instruction is to be carried on in the school-room at the same time with secular instruction.

32. The parent or guardian of every child shall at the time of the admission of such child to the school notify to the teacher of such school the religious denomination to which such child belongs, and the teacher shall thereupon enter the religious denomination of such child opposite to the name of such child on the register.

33. Every

33. Every minister of religion or person authorised by him, in writing, shall have free access to the school for the purpose of giving religious instruction to the children of the denomination of such minister either before the commencement of, or after the close of the ordinary school business, as may be agreed on between such minister and the local manager or managers of the school.

34. In case any child shall attend any religious instruction, different from that of the religious denomination of such child, as entered in the register, the teacher shall forthwith report the case to the Board of Education.

35. Local managers and teachers are not to use any means, directly or indirectly, to induce children to attend any religious instruction contrary to the wishes of their parents or guardians. The Board will withdraw all aid from any school in which such interference is proved to have existed.

36. Every facility shall be given by local managers and teachers to ministers and persons authorised by them to give religious instruction to pupils who do not attend the religious instruction given under the direction of the local managers.

37. In every school secular instruction shall be given for at least four hours on every week day, except Wednesday and Saturday, and for two hours at the least on every Wednesday and Saturday.

VI. *Use of Books.*

38. The titles and particular editions of all books to be used in the course of secular instruction are to be notified by the managers of each school to the Board of Education, and none are to be used to which the Board may object.

V. Salaries, &c., of Teachers.

39. The fixed salary of a first-class teacher shall be 300 dollars a year, of a second-class teacher 200 dollars, and of a third-class teacher 175 dollars.

40. The capitation fees payable on the inspector's certificate shall be six dollars a year for every child who passes the examination, *provided that all pass*; 5½ dollars if not less than 75 per cent. pass; five dollars if less than 75 per cent., but not less than 50 per cent. pass. No results' fees will be paid unless the inspector certifies that at least 50 per cent. of the pupils have passed to his satisfaction.

41. The results' fees will be paid on those pupils only who have averaged at least 100 attendances in the year from the date of their admission to the school, and who have actually attended not less than 50 days.

42. The quarterly capitation fee payable on the certificate of the local managers shall be 50 cents. for every child who has attended 30 days at least during the quarter.

43. In calculating the number of days which any pupil has attended, Wednesdays and Saturdays shall be reckoned as half days.

44. No payment will be made to the teacher of any school where the number of children who have attended for at least 100 days in the year is less than 30.

45. The Board will withdraw all aid from any school which fails to obtain results' fees for two years in succession, unless another teacher be appointed.

46. The fixed salary of an assistant mistress shall be 100 dollars per annum.

47. Every assistant mistress shall receive four-fifths of the results' fees and of the fees payable on the certificate of the local managers for the pupils under her immediate charge.

48. Every work mistress who is engaged in literary instruction shall receive one-half of the results' fees and of the fees payable on the certificate of the local managers for the pupils to whom she gives literary instruction.

49. The salaries of paid monitors shall be not less than 4 *l.* nor more than 10 *l.* per annum, as the Board of Education may determine in each case.

50. Every teacher holding a certificate from the Board of Education that he is acquainted with the language or patois of the locality in which the school is situated, shall receive an annual gratuity of 20 dollars, to be paid by the Government.

VI. *Payment of Salaries.*

51. Of the fixed salaries of teachers, male and female (exclusive of females employed to teach needlework only) three-fourths shall be paid by the Government, the other fourth being paid by the local managers.

 52. In

52. In all cases where fees are charged on the children attending on any school, the three-fourths of the salaries to be paid by Government, shall be three-fourths, after deducting such portion of the fees as may be applicable to the payment of such salaries.

53. The results fees and fees for attendance shall be paid by the Government.

54. The salaries of monitors shall be paid by the Government.

55. Females employed to teach needlework only shall be paid by the local managers.

VII. *Fees Payable by Pupils.*

56. The local managers of any school may, if they see fit, require the payment of fees by children attending such schools, such fees to be in all cases first allowed and approved by the Board of Education.

57. All fees payable by children attending any school shall be paid to the teacher, who shall account for the same to the local managers, by whom the same shall be applied to the payment first of the expenses of maintaining the apparatus of the school, next to the payment of the work-mistress, and lastly to the payment of the salaries of the teachers.

VIII. *Infant Schools.*

58. As the Board of Education considers it most desirable that infant schools under the charge of a mistress should be established, grants of a similar kind to those made to ordinary primary schools will be made towards the payment of mistresses of infant schools in towns and districts which are sufficiently populous to warrant the expenditure.

59. Before the Board of Education approves of any one as mistress of an infant school she will be required to obtain similar certificates to those required from teachers of primary schools.

60. No child will be admitted to, or allowed to remain at, an infant school after having passed its sixth birthday.

61. In the localities where, in the opinion of the Board, sufficient accommodation is provided by infant schools, children will not be admitted to the ordinary primary schools under the age of six years.

IX. *General Rules.*

62. No child suffering from leprosy or any contagious disease shall be admitted to any school receiving Government aid.

63. The language of the schools shall be English.

64. Needlework shall be taught to the girls in every school.

65. Monitors shall be employed in every school, at least one monitor to every 12 pupils on the average attendance of pupils.

66. The number of paid monitors in each school shall be determined by the Board of Education.

67. Every teacher shall give instruction to the monitors of his school out of school hours.

68. In every school the teacher shall keep a register, report book, and class rolls according to forms fixed by the Board of Education, and shall enter or mark in the two latter, *before noon* each day, the children in actual attendance.

69. A Return, according to a form to be provided by the Inspector of Schools, shall be made out by the teacher immediately at the end of each quarter, and not later than the fifth day of the ensuing month. In the case of schools where fees are charged, this return shall include the amount of fees received during the preceding quarter.

70. A time-table and a copy of the rules of the school shall be kept hung up in a conspicuous place in the school-room.

71. Amongst the necessary apparatus must be included slates, slate pencils, penholders, paper, pens, and ink. No salary will be paid to any teacher where a proper supply of the above articles is not constantly kept.

72. All persons shall have free admission to the schools as visitors during the hours devoted to secular instruction.

73. No visitor shall be allowed to take part in or in any way interfere with the school work; but all visitors shall have full liberty to examine the registers, daily report books, and class

class rolls, and to ascertain what books are used for secular instruction, and what is the method of teaching.

74. No visitor shall be entitled to be present at the religious instruction given in any school except any clergyman of the religious denomination in which such instruction is being given.

75. In each school shall be kept a visitors' book, which the teacher is required to have lying on his desk, that visitors may, if they choose, enter remarks in it, and the inspector is required to transmit to the Board of Education copies of such remarks as he may deem of sufficient importance to be made known to them.

76. No teacher will be permitted to connect himself with a business or occupation that will interfere with his usefulness as a teacher.

77. Teachers attending meetings held for political purposes, or taking part in the election of auditors, &c., except by voting, will render themselves liable to be dismissed.

78. No person who shall have ceased to act as a teacher for the space of two years shall be appointed to any school without obtaining a fresh certificate.

X. *Female Teachers.*

79. In schools in which the average attendance is between 45 and 60 the work-mistress may be employed, during the time she is not engaged in teaching needlework, in giving literary instruction to the junior classes.

80. Where the average attendance is 60 or more, an assistant mistress shall be appointed to take charge of the junior classes.

81. Every work-mistress will be required to produce to the Board of Education—

(1.) A certificate of good conduct.

(2.) A certificate from some member of the Medical Board that she is in good health and free from leprosy or any contagious disease.

(3.) A certificate which shall satisfy the Board that she is competent to teach needlework, including cutting out.

82. Every work-mistress who shall also be engaged in giving literary instruction shall first obtain a certificate of competency from the Board of Education.

83. Every assistant mistress will be required to produce certificates (1) and (2) under Rule III., and also a certificate of competency from the Board of Education.

The above rules and regulations were passed by the Board of Education on the 16th of February 1870.

R. Lechmere Guppy,
Secretary to the Board.

— No. 13. —

No. 13.
Secretary to Education Department to Sir F. Rogers, Bart.
26 March 1870.

COPY of a LETTER from the Secretary to the Education Department, Privy Council Office, to Sir *Frederic Rogers*, Bart., K.C.M.G.

Education Department, Privy Council Office,
Sir, Downing-street, 26 March 1870.

IN reference to the rules for the examination and classification of teachers in Trinidad, enclosed in your letter of the *28th ultimo, I am directed by the Committee of Council to request that you will submit the following remarks to the consideration of Earl Granville.

* Page 114.

Their Lordships are not sufficiently acquainted with the state of education in the Colony, or with the requirements of the population, to be able to offer any opinion as to the propriety of the subjects prescribed for the examination of acting teachers, or of candidates for the office of teacher.

The enclosed papers show the character of the examinations, held under their Lordships' direction, for male and female candidates respectively, and may perhaps be useful to the local board in any further consideration of the question.

Syllabus, Male.
" Female.
1870.
Not printed.

As regards the formal regulations affecting these examinations, my Lords wish to observe :

(1.) That it would be advisable not to have more than one examination per annum, at least after the first two or three years. The constant recurrence of examinations to which teachers, if not directly invited, are, at all events, admissible, till they obtain certificates of the highest class, is apt to distract their attention from the active discharge of their duties in their schools.

(2.) The inferior limit of age for admission to examination appears somewhat low. Unless local circumstances call for or justify the employment of very young persons as principal teachers, the age for examination might with advantage be gradually raised from 18 to 21, or 22, in the case of untrained candidates, and to 19 or 20, in the case of students who had been trained for (at least) a year in a normal school.

(3.) Regulation 8 is rather indefinite. It recognises the principle that a certificate ought not to be granted merely on the result of a teacher's literary examination, but it does not define the period of his probation. The issue of the certificate ought to be deferred for a sufficient length of time, say for two years, after the examination, to enable the successful candidate to produce evidence in his school of his practical skill as a teacher.

(4.) No list of subjects for the examination of candidates for a first-class certificate is given. Unless there is any demand in Trinidad for teachers of a comparatively high standard of attainments, it might, perhaps, be advisable to limit the examinations to the second and third classes, and to introduce any additional branches of study that may be thought necessary into the present programme of the second class, as voluntary, and not as obligatory, subjects of examination. It would then be possible to make the issue of a first-class certificate depend solely upon the results of a teacher's work in his school during a period of probation (say for five or six years) after the date at which he obtained his second-class certificate. Such a rule would be especially of use if a money value is to be attached to each certificate depending on its class. Teachers who at an early age obtain the maximum salary of their profession, which in Trinidad may not possibly be a very high one, are likely to become discontented in the course of a few years, and to seek more remunerative employment in other lines of life.

Revised Code. 1870. Not printed.

The accompanying copy of the Code, under which the Parliamentary Grant for Public Education in England and Wales is at present administered, will supply detailed information as to the manner in which their Lordships endeavour to give effect to some of the principles upon which the above suggestions are based.

I have, &c.
(signed) *F. R. Sandford.*

— No. 14. —

(No. 25.)

No. 14. Governor Gordon to Earl Granville, K.G. 10 March 1870.

EXTRACT of a DESPATCH from Governor the Honourable *A. H. Gordon*, C.M.G., to the Earl *Granville*, K.G., dated Government House, Trinidad, 10 March 1870.

I HAVE the honour to enclose a copy of the Message and resolutions, on the subject of Secondary Education, which I laid before the Legislative Council on Monday last.

Enclosure in No. 14.

Message to the Legislative Council. Encl. in No. 14.

Arthur Gordon.

In his Message of the 19th November last, the Governor stated that resolutions framed with a view of placing the liberal education obtainable at the Queen's Collegiate School, and the exhibitions founded by the State, within the reach of those who, from conscientious motives, at present decline to benefit by these advantages, would shortly be submitted to the Board.

These resolutions are now laid before the Council. They have been based upon the same principle as those with respect to primary education which have already received the sanction of the Legislature. His Excellency, as in that case, has not sought to construct the system which appears to him, theoretically, the most perfect, but that which, under existing conditions, is, in his opinion, most likely to prove successful in its operation.

More than twelve years have elapsed since the foundation of the Queen's Collegiate School.

It was intended that its advantages should be open to those of every race and every religion, and that the education given in it should be of a decidedly superior character.

In the latter respect these intentions have been realised in a degree surpassing probably the most sanguine expectations of its founders, but it has not been equally successful in obtaining that amount of support which had been anticipated.

It has failed to overcome the disapproval with which, from its foundation, it has been persistently regarded by the Roman Catholic body; nor is it likely that it will ever receive from that numerous and influential section of the community any considerable degree of countenance or encouragement.

It is unnecessary to discuss the force or value of the reasons for this disapproval. Whatever their validity, it is impossible to deny that they are widely and sincerely entertained; that it is improbable their influence will diminish; and that authoritative decisions have made it far more difficult now for a conscientious Roman Catholic to take part in a system of mixed or secular education, than was the case twelve years since; although even at that time the Government was warned that the plan of the Queen's Collegiate School was one which would render it impossible for Roman Catholics generally to co-operate in its working.

Such being the case, and such the feeling of the Roman Catholic population with regard to the Queen's Collegiate School, it is greatly to their credit that during the last ten years they have carefully abstained from all clamour and agitation, which they might easily have raised, but which might have done infinite mischief, and that after quietly and respectfully pointing out the grounds on which they held aloof from that institution, and the hardship to which they considered that its existing rules exposed them, they have waited in patient reliance on the justice and impartiality of the Imperial and Local Governments; a reliance which, the Governor trusts, will prove to have been not unmerited. Meanwhile, they have, at their own private cost, established a numerously attended and respectably conducted school for the higher branches of education.

As in the case of primary education, his Excellency was warned by his predecessor of the existence of a strong and general feeling hostile to the collegiate school, and it was therefore without any surprise that his Excellency, soon after his arrival, received a petition from Archbishop Gonin for its abolition.

In forwarding this petition to the Duke of Buckingham and Chandos, then Secretary of State for the Colonies, the Governor stated his reasons for considering that the course recommended by the Archbishop would be inexpedient, and the destruction of the collegiate school injurious to the colony; but he also stated that changes might be introduced, and in his Excellency's opinion ought to be introduced into the system of collegiate education, to render it more generally available to the community, and with this view he proposed that assistance should be afforded to privately established schools in close connection with a central college supported and directed by the State.

The Duke of Buckingham, however, in reply, expressed an opinion that all secondary education ought to be exclusively paid for by those enjoying its advantages, and accordingly directed the withdrawal of all State assistance from the Queen's Collegiate School, and the abolition of that establishment.

The Governor, in answer, informed his Grace that he did not believe that secondary education could be successfully or permanently carried on within the island without State aid; that he should deeply deplore the cessation of the attempt to place a good education within the reach of those not possessed of sufficient means to send their children to Europe; that he retained all his objections to the abolition of the Collegiate School as a measure fraught with mischief to the colony; and that he trusted Her Majesty's Government would not persist in instructing him to carry out the directions which he had received.

During his Excellency's visit to England in 1868 he explained fully his objections to the proposed measure, and its further consideration was postponed until after the Report of the

Special Commissioner about to be dispatched by her Majesty's Government to inquire into the state of education in Trinidad, should have been received.

Mr. Keenan, in that Report, recommended the establishment of a West Indian University; or, should that be found impossible, the payment by the State of privately founded denominational superior schools, according to the results of examinations to be conducted under the direction of the Board of Education.

The former proposal is, under existing circumstances, obviously impracticable.

The second appears to his Excellency open to very many grave objections.

Of these objections two among the chief are in his Excellency's opinion, the following: That under such an arrangement it would be impossible to secure the services of masters of the same stamp as those now employed in the collegiate school; and that children of different creeds, belonging to the higher class of society would have fewer opportunities of being brought together than would be the case in a single college under Government control.

The first of these objections is one of much weight. It is difficult enough, as it is, to induce men of ability who can find employment elsewhere, to undertake the work of education in the West Indies; but that difficulty would be enormously increased if, instead of being public officers in the receipt of a handsome fixed salary, and only liable to be removed by a formal process, the masters of the superior school were dependent for their position and remuneration on the caprice of some irresponsible individual, or body of individuals, and were destitute of any official status or public character.

It is almost impossible to overrate the force of this objection, when it is recollected that the success which has attended the Queen's Collegiate School is in a very large measure due to the exertions of the principal and his staff.

The second objection is, if possible, of a yet more serious character.

Among the lower classes instruction in separate schools is not necessarily prejudicial. The daily events of life force the children of the same village or neighbourhood together, whether they meet at school or not, but with children of the higher classes this is not so, and every possible opportunity of promoting their association should be taken.

The scheme contained in the resolutions which are now submitted for the consideration of the Board is one which attempts to secure a combined education in all points where such combination has, after prolonged discussion and mature consideration, been found practicable; whilst it recognises and assists subsidiary establishments where instruction in other matters may, if desired, be given. The details of this scheme will be found in the resolutions which accompany the present message.

They propose the formation of a Royal College, having in close connection with it superior schools under private management, the pupils of which, if above a certain age, will, after passing an examination, be considered students of the Royal College, and be entitled to attend the whole, and in ordinary cases bound to attend at least a part, of the course of secular instruction therein afforded.

What additional teaching may be afforded in the affiliated schools, is a question with which the Governor does not propose that the State should interfere. Their managers may insist on religious teaching being given; they may simply abstain from affording such teaching; or they may prohibit it altogether; but so long as such schools remain in connection with the Royal College, so long will a salary be paid to the head of each school, and also a capitation grant dependant partly on the number of the pupils, being students, partly on their attendance at the Royal College, and partly on their success in its annual examinations.

This is not the system his Excellency would have himself preferred, but he has no doubt as to its being better that it should be adopted than that the education of a great majority of the boys of one faith should be conducted in an establishment wholly free from the smallest Government supervision, and where they are precluded from coming in any way in contact with their future fellow-citizens of a different religion.

It is childish to affect blindness to facts simply because those facts are distasteful.

That the separation of the children of English race from those of other origin,—of Roman Catholic children from those of other religions,—exists in fact, so far as superior education is concerned, cannot be denied; however it may be explained or accounted for.

It is the duty of a prudent Government and a wise Legislature to recognise such facts; and consider how they may best be dealt with, and his Excellency is convinced that the Board contemplating the question in a judicial and impartial spirit, will admit that the Queen's Collegiate School has not accomplished that fusion within its walls of races and of creeds which was one of the objects of its institution, and that the scheme now proposed has a direct tendency to diminish, if not to destroy, an isolation which is on many accounts objectionable, without in any degree impairing the character or efficiency of the instruction now obtainable at the Queen's Collegiate School.

It is also proposed to increase the number of exhibitions now given by the Colony to students educated in England; to afford gratuituous admission to the Royal College to a certain number of boys to be selected annually by examination from among the pupils of the primary schools maintained or aided by the State; and to place the Normal School under the immediate direction of the Principal of the Royal College.

By Command,

J. Scott Bushe,
Colonial Secretary.

7 March 1870.

PROPOSED RESOLUTIONS.

Resolved,

THAT in order to carry out more fully the objects contemplated by the resolutions of the Board of Council of the 2nd September 1857, a collegiate institution be established in Port-of-Spain, to be styled the Royal College of Trinidad.

II. That the management of such college be vested in a council to be nominated by the Governor.

III. That schools of secondary education now existing, or hereafter to be established, in the Colony, may, from time to time, be declared by the college council to be schools in connection with the Royal College.

IV. That the pupils of such schools being over the age of years, and having passed such entrance examination as may be required by the college council, shall be considered students in the Royal College.

V. That all students of the Royal College shall be required to attend such examinations as the college council may determine.

VI. That students of the Royal College be required to attend the various courses of instruction therein, as the college council may determine, but any student shall, on the request of his parent or guardian, be exempted from attendance at any such course, except as regards the following subjects:

Classics,	Natural Science,
Mathematics,	Modern Languages,

exemption from a course of instruction in which, at the Royal College, will only be granted where efficient instruction in the same subject or subjects approved by the college council is afforded in the school wherein the student seeking exemption is a pupil.

VII. That the exhibitions now given to the pupils of the Queen's Collegiate School be transferred to the Royal College, and increased in number from two to four.

VIII. That a certain number of free admissions to the Royal College, not exceeding in number, be awarded annually to pupils of schools receiving Government Aid who shall satisfactorily pass such an examination as the college council may determine.

IX. That free admissions to the Royal College be granted to the sons of deceased public servants.

X. That the sum now annually voted for the Queen's Collegiate School be transferred to the Royal College.

XI. That the principal and professors of the Royal College be appointed by the Governor, and paid by the Colony.

XII. That aid be furnished by the Colony to schools in connection with the Royal College.

XIII. That such aid shall consist of—

(*a*) A fixed salary to its principal or head.

(*b*) A capitation grant upon each student over years of age, who shall have received a certificate from the principal of having given such number of attendances at the Royal College as the college council may determine.

(*c*) A capitation grant based on the results of the annual examinations of the Royal College.

(*d*) A premium payable on the successful entrance of any of its pupils as a student at the Royal College.

XIV. That the capitation grants payable on boys attending the Royal College, but not pupils in any school in connection therewith, shall be applied to the expenses of the college.

XV. That the normal school be placed under the control and direction of the principal of the Royal College.

— No. 15. —

No. 15.
Sir F. Rogers, Bart., to P. J. Keenan, Esq.
16 April 1870.

COPY of a LETTER from Sir *Frederic Rogers*, Bart., K.C.M.G., to *P. J. Keenan*, Esq.

Sir, Downing street, 16 April 1870.

I AM directed by Earl Granville to transmit to you the enclosed copy of a Message from the Governor* of Trinidad to the Legislative Council, laying a scheme of secondary education before the Council.

* Page 121.

I am desired to request that you will, at your earliest convenience, return these papers with the expression of your views on the Governor's scheme.

I have, &c.
(signed) *Frederic Rogers.*

— No. 16. —

No. 16.
P. J. Keenan, Esq., to Earl Granville, K.G.
28 April 1870.

COPY of a LETTER from *P. J. Keenan*, Esq., to the Earl *Granville*, K.G.

My Lord, Delville, Glasnevin, 28 April 1870.

I AM much obliged to your Lordship for favouring me with a perusal of Governor Gordon's statesmanlike and interesting Message to the Legislative Council of Trinidad upon secondary education; and, in obedience to your instructions, "to give the expression of my views on the Governor's scheme," I hasten to reply to your letter.

In that part of his Message having reference to my report, the Governor, inadvertently I am convinced, makes a mistake which I particularly desire to correct.

Throughout my report, and in all my communications with the Governor, I took particular pains to express my conviction that no State aid should be given to any establishment, primary or secondary, which was not open to all, irrespectively of class or creed, and in which all comers, in religious affairs, should not be solemnly protected from offence or proselytism. The following passage in the Governor's message leads me to surmise that his Excellency has misunderstood me:—

> "Mr. Keenan in that report recommended the establishment of a West Indian university; or, should that be found impossible, the payment by the State of privately-founded *denominational* superior schools, according to the results of examinations to be conducted under the direction of the Board of Education."

His Excellency in this passage overlooks, I am afraid, paragraph 199 of my report, which runs as follows:—

> "The deputy council should be empowered to grant a certificate of affiliation with the university to any seminary or college which fulfils the fundamental condition, the palladium of the public school system of the future, of being *bonâ fide* open to all classes, irrespectively of colour or creed, and of rendering proselytism, directly or indirectly, impossible."

If a college submit to these principles, whether the college be Catholic or Protestant in its domestic arrangements, the term "denominational" is, in my opinion, inapplicable. Denominationalism is a term, I quite admit, susceptible of ambiguity; but, as I interpret it, it implies that none but pupils of one religion are to be admitted to a school, or if pupils of different religions are admitted, that all shall be forced to participate in the religious instruction of the school.

Some might say, that if, in a school open to all, and carried on under the restriction of a time table and conscience clause, the pupils and teachers, from one cause or another, happened to be all of the same religion, such a school would be "denominational." I do not acquiesce in such a view. If such a notion

notion were correct, upwards of 3,000 of the national schools of Ireland should be characterised as "denominational."

Then, again, it is to be remembered that a college or school may be liberal in its curriculum and elevated in its tone, may be open to all and impartial to all, and may yet, without being denominational in its education, be stamped in its domestic and inner organisation with an undoubted religious character.

The 140 Roman Catholic Convent National Schools of Ireland are types of this class. During the period of scholastic business, everything is conducted as if Protestants, in numbers large or small, were present. Before and after the scholastic occupation, the religious character of the institution is unnoticed by the State. This is all I designed or proposed for the affiliated schools or colleges of Trinidad.

Very possibly the Governor may have applied the term "denominational" to such a college as the Catholic College on its present basis, and not to the same college as it would become under the provisions of paragraph 199 of my report. But, under any circumstances, I reiterate my conviction that his Excellency's mistake must have arisen from a misconception of my suggestions; and I am sure your Lordship will not deem my explanation as either unimportant or irrelevant.

I hope I need hardly assure your Lordship that I gave the most earnest and conscientious study to the skilfully devised and interesting scheme which the Governor had, previously to my arrival in Trinidad, prepared as an amendment upon the plan of the Queen's Collegiate School. Nothing which could have occurred to me would have given me more genuine satisfaction than to have found myself able to adopt his Excellency's plan.

But my mission to Trinidad was neither to carry out any favourite ideas of my own, nor to adopt implicitly the ideas of anybody else. Indeed, I am free to confess that I had to discard views and plans which under other circumstances I was identified with, and the adoption of which would have been personally more gartifying to me than the line which in duty I found myself bound to pursue.

And here I would take the liberty of gratefully saying of the Governor that he was more solicitous to facilitate my inquiry, and to obtain for me the views of others, than to impress or to urge his own views or plans upon me.

Whilst I observed amongst the Protestants of Trinidad a disinclination to entertain any project which would interfere with the Queen's Collegiate School, I perceived that the Archbishop of Port-of-Spain and other leading Roman Catholics were averse to everything short of denominationalism. An eminent Roman Catholic ecclesiastic had, I was aware, favoured, under a very slight reserve, the plan of the Governor; but even this important manifestation of approval had no effect in mitigating Archbishop Gonin's objection to any institution based upon an identity ofprinciple with the Irish Queen's Colleges.

I therefore applied myself to discover a *juste milien*, and that without trenching upon the great principle of opening every school or college to all comers, and of protecting all comers by a rigid conscience clause

Neither secularist nor denominationalist could, I hoped, advance any valid objection to a school or college animated by such a principle.

I felt the pulse of the archbishop and other leading Catholics, and became satisfied that they would be favourable to the general principles of my scheme; whilst I had every reason to apprehend that the Protestants would take as kindly to my plan as, perhaps, to any other modification of the Queen's Collegiate School.

It was, therefore, with unfeigned diffidence, that I recommended the plan contained in my report.

The Governor's present plan is very unique and very attractive. It appears to be a combination of the essential features of his original plan, and of that portion of your Lordship's suggestions having reference to an examining council. Only for resolution 6 I should like the plan very much. This resolution favours affiliation under restrictions that are so rigorous that their operation would, I apprehend, jeopardise the success of the whole scheme. I should hope that the Governor may not deem this resolution essential, and that he may be able to resolve his plan into the concurrent scheme proposed in your Lordship's Despatch. Your Lordship's plan, as I remember it, proposes the establishment

of an examining body to pay for the results of the teaching in public seminaries or colleges; and the foundation of a Government college which the pupils of affiliated seminaries or colleges might or might not attend as they choose.

To bring the Governor's resolutions into harmony with your Lordship's proposals, I would respectfully suggest the following modifications :—

Resolution No. 1.—*Stet.*

„ No. 2.—*Stet.*

„ No. 3.—*Stet.*

„ No. 4.—Instead of "*in* the Royal College," say, "*of* the Royal College."

„ No. 5.—*Stet.*

„ No. 6.—Instead of this resolution, the following, in accordance with your Lordship's concurrent scheme, might be adopted :—

"That students of the Royal College, and of schools or colleges affiliated with it, may attend the various courses of instruction of the professors of the Royal College."

„ No. 7.—Instead of "transferred to," say, "open to all students of."

„ No. 8.—Add to "the Royal College," the words "or to any college or seminary affiliated with it."

„ No. 9.—Ditto.

„ No. 10.—*Stet.*

Resolution No. 11.—After "professors," add "and examiners."

„ No. 12.—The principle contained in paragraph 199 of my report should be added to this resolution.

„ No. 13.—(*a.*) Omit.

(*b.*) *Stet.*

(*c.*) *Stet.*

(*d.*) Omit.

„ No. 14.—*Stet.*

„ No. 15.—Omit. A normal college, as a State institution, can never, I am convinced, prosper in Trinidad. Monitorial training, with rigid and exacting examination of candidates of the teacherships of public schools, is the only reliable resource of the Colony, for furnishing an efficient staff of teachers.

The Government might require a course of lectures upon the science of education to be delivered annually in all colleges affiliated with the Royal College.

Mr. Laurie, now director of public instruction in Ceylon, in his report on the state of education in the West African Settlements, entertains my own idea that a State normal school or college in a small and divided community is impracticable.

The results' fees accruing to the conductors of an affiliated college should be such as would afford a reasonable "rate in aid" to its support. Accordingly a scale of results' fees should be laid down. The scale should be liberal in its character. *See* paragraphs 205 and 207 of my report.

In

In conclusion, I take leave to express my sincere gratification that his Excellency, Governor Gordon, has so nearly brought the educational affairs of Trinidad (affairs the adjustment of which to many persons seemed hopeless) to a satisfactory and successful issue.

I have, &c.
(signed) *P. J. Keenan.*

— No. 17. —

No. 17.
P. J. Keenan, Esq., to R. G. W. Herbert, Esq.
29 April 1870.

COPY of a LETTER from *P. J. Keenan*, Esq., to *R. G. W. Herbert*, Esq.

Office of National Education, Marlborough-st., Dublin,
29 April 1870.

Sir,

I HAVE the honour to send you a few notes, for Lord Granville's information, upon the rules.

I return with many thanks the different documents Lord Granville was good enough to send me.

I am, &c.
(signed) *P. J. Keenan.*

R. G. W. Herbert, Esq.

Enclosure in No. 17.

Encl. in No. 17.

NOTES on the RULES, &c., of the Board of Education, *Trinidad.*

Rule 5.—Omit Algebra, and insert "Euclid, book 1st."

Rule 6.—Add, "Mensuration and Land Surveying."
Science should always be associated, especially in the mind of a teacher, with some practical purpose.

Rule 9.—We had such a rule in the Irish code, but its operation was so harrassing upon the teachers, we had to abandon it. We discovered that certain teachers, no matter how earnest or persistent their studies, never could get above the level of the third class, and certain others never beyond the second class. Neither the hope of reward, nor the apprehension of censure, could inspire such persons with capacity. We found that the effort to become successful students rendered them idle and unsuccessful schoolmasters and schoolmistresses. We accordingly abolished the rule, reserving, however, to ourselves the right, which we pretty often exercise, of summoning such teachers to examination for any special purpose.
I recommend rule 9 to be modified. Instead of "shall present himself," insert "is liable to be summoned to an."

Rule 32.—This is the most important rule of the code. I would add to it that which would make it the most efficient conscience clause ever suggested. The addition is as follows:—

> Except the reading of the Holy Scriptures between Protestants of different denominations, no religious instruction shall be imparted to a child, unless in the faith, and by a clergyman or teacher professing the faith, in which the child is entered upon the register of the school.
>
> It will be the right of the parent or guardian to alter at any time the registration of the religion of the child, but every such change must be at once reported by the teacher to the manager and to the Board of Education.

Rules 31 and 34.—If the amendment previously suggested be approved, these rules (31 and 34) become necessary.

Rule 40.—I would much prefer to see the scale of results' fees determined upon the principle laid down in paragraph 125 of my report.
Or should there be any objection to the gradation of rates, according to classification, then I should prefer the adoption of the principle of the English revised code.
The plan laid down in this rule (40) would be found to be exceedingly difficult to work, the chief difficulty being involved in the expression, "passes the examination." If a child, *e.g.*, passes satisfactorily in reading, writing, geography, &c. &c., but failed in arithmetic, would such a child be said to pass his examination? Of course not; and the teacher would get no results' fee for his tuition. But by my plan (paragraph 125 of my report), or by the plan of the English revised code, the teacher would be paid for the subjects in which the child passed.

Rule 44.—I would give results' fees, but not a fixed classification salary to the teacher of such a school. At Manzanilla, for instance, or at La Ceiba, it might not be practicable to sustain an average of 30.

Rule 47.—I hope this rule has in view the organisation of separate girls' schools, otherwise the defect would be serious. The term "assistant" suggests the doubt to my mind.

Rule 52.—This rule takes away all stimulus from the teacher for levying the school fees. This, I remember, was the case in the model schools of Port of Spain.
I certainly would give the fees to the teachers, in addition to their other sources of income. In Ireland this is almost universally the case, and with the best effects.

Rule 57.—Under the circumstances, I would omit this rule.
It might, perhaps, be a subject of consideration whether the rule might not be modified, so as to secure a part, say, half, the school fees for the teacher.

Rule 60.—The *seventh* birthday is the usual limit in infants' schools.

Rule 63. I would add, "but the language or patois of the places should be intelligently used in translation, elucidation, &c., of the English."

Rule 71.—I would add "a map of the world," and, if available, "a map of Trinidad," and also a black-board for class teaching.

I don't see any provision in the rules as to the appointment and dismissal of teachers, and various other matters of grave importance.
I would respectfully suggest the insertion of the provisions (a), (b), (c), (d), (e), (i), (j), paragraph 115 of my report, all very important, and of such a character as to justify insertion in the code of rules. The rule which gives the manager the right of dismissal, at once, by showing cause, and without showing cause in three months, I hold to be *essential* to a healthy system of local management. If the local managers are merely administrators, their duties will soon be only perfunctorily performed; they must have *some* power to sustain their responsibility, and give energy to their superintendence of the schools.

29 April 1870. (signed) *P. J. Keenan.*

— No. 18. —

No. 18.
Governor Gordon, C.M.G., to Earl Granville, K.G.
6 April 1870.

(No. 39.)

EXTRACT from a DESPATCH from Governor the Honourable *A. H. Gordon* C.M.G., to the Earl *Granville*, K.G.

(Extract.)

My Lord, Trinidad, 6 April 1870.

I HAVE the honour to enclose for your Lordship's information the rules and regulations for the establishment and government of primary schools agreed to by the Board of Education at its last meeting, and which embraces the schools wholly maintained, as well as those assisted, by the State.

These rules include all those I have previously forwarded to your Lordship, together with others relating to the ward schools, or, as they will now be termed, Government schools. The arrangement of the whole has been altered, and I think improved.

Since I last addressed your Lordship on this subject, the attempted agitation against the new scheme of education may be said to have altogether died away. A day or two after the date of that Despatch the names of the officers and committee of the education league (12 in number) were published, presenting so strong a contrast to those of the members of the Board of Education as forcibly to demonstrate the feebleness of the league, whilst among them were names which, to those acquainted with the island, were calculated to suggest a doubt whether they were more actuated by zeal for education or by hostility to any measure proposed by myself.

Since that time the league has shown no activity, and I fancy will not again show many signs of life.

* * * * * *

If it be worked fairly and moderately, as I have every reason to believe it will be, I entertain no doubt of its full success, and of its being the cause of much benefit to the Island.

I have, &c.
(signed) *Arthur Gordon.*

Enclosure in No. 18.

Encl. in No. 18.

TRINIDAD.

RULES and REGULATIONS of the BOARD of EDUCATION.

PRIMARY SCHOOLS.

PRIMARY Schools receiving Government aid are of two classes,—

(1.) Those under the control of and entirely supported by Government.

(2.) Those assisted by Government but under the control of local managers.

RULES and REGULATIONS for both of the above-mentioned classes of Schools.

School-Houses.

1. EVERY school-house shall be furnished with lavatories and latrines, and where boys and girls are admitted to the school, with separate latrines, for the use of the children of different sexes, so situated that there shall be no access from one to the other; and every school-room shall be surrounded by a gallery of not less than eight feet in width, unless the Board shall in any case otherwise allow.

2. Every school-room shall be furnished with a clock, which shall be kept in proper order.

3. No teacher will be permitted to reside in the school-house.

Religious Instruction.

4. No child shall be present at any religious instruction of which his parents or guardians disapprove.

5. Public notice of the times for religious instruction is to be given in large letters, in a time table, to be hung up in a conspicuous part of the school-room.

6. No religious instruction is to be carried on in the school-room at the same time with secular instruction.

7. The parent or guardian of every child shall at the time of the admission of such child to the school, notify to the teacher of such school the religious denomination to which such child belongs, and the teacher shall thereupon enter the religious denomination of such child opposite to the name of such child on the register.

8. Every minister of religion, or person authorised by him in writing, shall have free access to the school, for the purpose of giving religious instruction to the children of the denomination of such minister, either before the commencement of, or after the close of the ordinary school business, as may be agreed on between such minister and the local manager or managers, or between such minister and the visitors of the school, as the case may be.

9. In case any child shall attend any religious instruction, different from that of the religious denomination of such child, as entered in the register, the teacher shall forthwith report the case to the Board of Education.

10. In every school secular instruction shall be given for at least four hours on every week day, except Wednesday and Saturday, and for two hours at the least on every Wednesday and Saturday.

General Rules.

11. No child suffering from leprosy or any contagious disease shall be admitted to any school receiving Government aid.

12. The language of the schools shall be English.

13. Needlework shall be taught to the girls of every school

14. Monitors shall be employed in every school, at least one monitor to every 12 pupils' on the average attendance of pupils.

15. The number of paid monitors in each school shall be determined by the Board of Education.

16. Every teacher shall give instruction to the monitors of his school out of school hours.

17. In every school the teacher shall keep a register, report book, and class rolls, according to forms fixed by the Board of Education, and shall enter or mark in the two latter, *before noon* each day, the children in actual attendance.

18. A return, according to a form to be provided by the inspector of schools, shall be made out by the teacher immediately at the end of each quarter, and not later than the fifth day of the ensuing month.

19. A time-table and a copy of the rules of the school shall be kept hung up in a conspicuous place in the school-room.

20. All persons shall have free admission to the school as visitors during the hours devoted for secular instruction.

21. No visitor shall be allowed to take part in or in any way interfere with the school work; but all visitors shall have full liberty to examine the registers, daily report books, and class rolls, and to ascertain what books are used for secular instruction, and what is the method of teaching.

22. No visitor shall be entitled to be present at the religious instruction given in any school, except clergymen of the religious denomination in which such instruction is being given.

23. In each school shall be kept a visitors' book, which the teacher is required to have lying on his desk, that visitors may, if they choose, enter remarks in it, and the inspector is required to transmit to the Board of Education copies of such remarks as he may deem of sufficient importance to be made known to them.

24. No teacher will be permitted to connect himself with a business or occupation that will interfere with his usefulness as a teacher.

25. Teachers attending meetings held for political purposes, or taking part in the election of auditors, &c., except by voting, will render themselves liable to be dismissed.

26. No person who shall have ceased to act as a teacher for the space of two years shall be appointed to any school without obtaining a fresh certificate.

Female Teachers.

27. In schools in which the average attendance is between 45 and 60, the work-mistress may be employed, during the time she is not engaged in teaching needlework, in giving literary instruction to the junior classes.

28. Where the average attendance is 60 or more, an assistant mistress shall be appointed to take charge of the junior classes.

Examination of Teachers, &c.

29. Every person to be hereafter appointed to a school receiving Government aid, shall be required to hold a certificate of competency from the Board of Education, obtainable by examination.

30. The certificates of competency shall be of three classes.

31. The examinations for certificates shall be open to all masters of schools, and also to all other persons (subject to the regulations contained in Rule 32) between the ages of 18 and 28, who shall present to the Board of Education a certificate of good conduct, as well as a certificate from a member of the Medical Board that they are in good health, and free from any cutaneous disease.

32. In addition to the certificates required by the last rule, every candidate for a third-class certificate (not being a master of a school) shall have served as monitor or normal student for at least one year; every candidate for a second-class certificate shall have served as master of a school for at least one year; and every candidate for a first-class certificate shall have served as master for at least two years. Certificates to this effect signed by the inspector of schools shall be presented to the Board before the applicants are admitted to the examination.

33. The first examination for certificates shall be held in July 1870, and the second in January 1871; at the former third-class certificates only shall be adjudged, at the latter both third and second-class certificates.

34. Rule 32 shall be so far modified in the case of the examination to be held in January 1871, that the candidates may present the certificates required by the rule at any time within three months after the examination; and that in the examination to be held in July 1870, the presentation of a certificate under rule 32 shall be dispensed with.

35. The subjects of examination for each class of certificate shall be such as the Board of Education may from time to time determine.

36. Every

36. Every candidate shall be required to satisfy the examiners in all the subjects of examination.

37. Public notice of the subjects of examination after the examination to be held in January 1871, shall be given at least 12 months before the day of examination.

38. Neither second nor first-class certificates shall be given to any teacher, unless in addition to passing the necessary examination, the inspector shall report that the school of which he is teacher has been well conducted; that the books have been regularly and correctly kept; that the school premises have been maintained with neatness and order; and that cleanliness in person and habits has been enforced on the pupils.

39. Every teacher not holding a first-class certificate shall present himself for examination once a year.

40. Every work-mistress will be required to produce to the Board of Education,—

1. A certificate of good conduct.

2. A certificate from some member of the Medical Board that she is in good health and free from leprosy or any contagious disease.

3. A certificate which shall satisfy the Board that she is competent to teach needle-work, including cutting out.

41. Every work-mistress who shall also be engaged in giving literary instruction, shall first obtain a certificate of competency from the Board of Education.

42. Every assistant mistress will be required to produce certificates 1 and 2 under rule 41, and also a certificate of competency from the Board of Education.

Salaries, &c., of Teachers.

43. The salaries of teachers shall consist of,—

(*a.*) A fixed salary dependent upon the possession of a first, second, or third-class certificate.

(*b.*) A capitation grant, paid proportionately to the educational results certified annually by the inspector of schools.

(*c.*) A capitation grant, paid proportionately to the attendance of pupils certified quarterly by the local manager or managers, or by the visitors, as the case may be.

44. The fixed salary of a first-class teacher shall be 300 dollars a year, of a second-class teacher 200 dollars a year, and of a third-class teacher 175 dollars.

45. The capitation fees payable on the inspector's certificate shall be six dollars a year for every child who passes the examination, provided that all pass; 5½ dollars if not less than 75 per cent. pass; five dollars if less than 75 per cent., but not less than 50 per cent. pass. No results' fees will be paid unless the inspector certifies that at least 50 per cent. of the pupils have passed to his satisfaction.

46. The results' fees will be paid on those pupils only who have averaged at least 100 attendances in the year from the date of their admission to the school, and who have actually attended not less than 50 days.

47. The quarterly capitation fee payable on the certificate of the visitors or local managers shall be 50 cents. for every child who has attended 30 days at least during the quarter.

48. In calculating the number of days which any pupil has attended, Wednesdays and Saturdays shall be reckoned as half-days.

49. No payment will be made to the teacher of any school where the number of children who have attended for at least 100 days in the year is less than 30.

50. The Board, however, will not immediately withdraw its aid from a school where the average attendance has fallen below 30, but on the first occurrence will continue its support for a period of six months, after which, if the average attendance is still below 30, no further payment will be made.

51. The fixed salary of an assistant mistress shall be 100 dollars per annum.

52. Every assistant mistress shall receive four-fifths of the results' fees and of the fees payable on the certificate of the visitors or local managers for the pupils under her immediate charge.

53. Every work-mistress who is engaged in literary instruction shall receive one-half of the results' fees and of the fees payable on the certificate of the visitors or local managers for the pupils to whom she gives literary instruction.

54. The salaries of paid monitors shall be not less than 4*l.*, nor more than 10*l.* per annum, as the Board of Education may determine in each case.

55. Every teacher holding a certificate from the Board of Education that he is acquainted with the language or patois of the locality in which the school is situated, shall receive an annual gratuity of 20 dollars, to be paid by the Government.

RULES and REGULATIONS for Schools under the Control of Government.

Teachers, &c.

56. THE present teachers of ward schools shall present themselves for examination at the examination to be held in the month of January 1871. Any teacher failing to obtain a certificate at the examination in January 1871, shall present himself at the following examination. Any such teacher may compete for a third, second, or first-class certificate, as he shall see fit; but if he should fail on the second examination to obtain at least a third class certificate he will be dismissed.

57. The salaries of present teachers will remain unchanged till they have obtained certificates of competency from the Board of Education.

58. The Board will dismiss the teacher of any school which fails to obtain results' fees for two years in succession.

59. Every teacher shall ascertain from the parents or guardians of each child now attending the school the religious denomination to which such child belongs; and shall enter the religious denomination of every such child opposite to the name of such child in the register.

Visitors.

60. The wardens of the several ward unions, and two persons to be appointed from time to time by the warden and auditors of the ward, together with such person or persons as the Governor may from time to time appoint, shall be visitors of the schools under the exclusive control of Government in such ward.

61. Every visitor shall visit the schools of which he may be visitor as often as he conveniently can, and shall report, in writing, to the secretary of the Board of Education any circumstance, which, in his opinion, may require the action of the Board, or of the inspector of schools.

General Rules.

62. On the admission of any pupil, the teacher shall cause such pupil to write on paper passages from a book by dictation, and shall preserve such writing as a sample of the proficiency of such pupil, or if such pupil be unable to write, the teacher shall, after examination by himself, enter in a book to be kept for that purpose a memorandum of the state of learning or ignorance of such pupil to afford data for estimating his or her future progress.

63. Education at the schools maintained exclusively by Government shall be gratuitous, but the pupils shall pay in advance for books to be furnished them.

64. Every school shall be furnished by the warden on the requisition of the teacher, countersigned by the inspector of schools, with proper furniture and apparatus, including slates, slate pencils, pen holders, paper, pens and ink.

65. Three vacations shall be allowed in each year, one from the 15th December to the 15th January, one for a fortnight from the Sunday before Easter Day, and the third for a fortnight from the third Sunday in August.

66. A conduct book shall be kept, in which good conduct and offences shall be entered by the teacher; and whenever a pupil shall be punished by the teacher, the nature of the offence, and the amount and character of the punishment shall be noted by the teacher in the conduct book.

67. No books shall be used by the teacher except books approved of by the Board of Education.

68. A return according to a form to be provided by the inspector of schools shall be made out by the teacher immediately at the end of each quarter, and shall be transmitted to the inspector of schools not later than on the 5th day of the ensuing month.

69. No teacher shall absent himself from his school at any time during school hours without a written permission from the inspector of schools; and should any master be incapacitated from attending to his school by sickness or other unavoidable cause, he shall immediately notify the same to the warden and inspector of schools.

70. Should

70. Should any teacher neglect to make out and transmit to the inspector of schools the return required by the 68th rule, or should he absent himself from his school in violation of the 69th rule, he shall be liable on the report of the inspector of schools to pay a fine to be fixed by the Board of Education, or to be dismissed.

71. The teacher of every school shall be responsible for the stock of books, school furniture and materials committed to his care. He shall enter in a book to be kept for that purpose a detailed account of such stock, and in what manner the same has been disposed of; and shall pay over to the warden once in every month any monies he may have received during the preceding month from the pupils for the sale of books entrusted to his care.

72. No pupil shall receive any visitor during school hours.

Religious Instruction.

73. No teacher shall give any religious instruction in the school-house.

74. Forms shall be supplied by the teacher to each pupil, which the pupil shall once in every quarter return to the teacher signed by the clergyman or minister from whom such pupil shall receive religious instruction, stating the days of attendance of such pupil for religious instruction during the preceding quarter of a year. If it shall appear that any pupil has not received religious instruction, or has been irregular in his attendance for the purpose, the fact shall be brought by the teacher of the school under the notice of the inspector, who shall report the same to the Board of Education.

75. Every facility shall be given by visitors and teachers to clergymen and ministers and persons authorised by them to give religious instruction to the pupils of their respective religious denominations.

RULES and REGULATIONS for Assisted Schools under the Control of Local Managers.

Application for Grants in Aid of School-Houses.

76. Persons desirous of obtaining aid towards the establishment of primary schools may make application in writing to the Board of Education, to be addressed to the secretary of the Board, and signed by the person making such application, wherein shall be stated,—

(*a.*) The local situation of the proposed-school house, and the extent of the land to be appropriated to the use of such school-house;

(*b.*) The number of children for whom accommodation is to be provided at such school;

(*c.*) The religious instruction to be given at such school;

(*d.*) The names of the proposed local manager or managers of such school.

77. Every such application shall be accompanied by a brief description or ground plan of the buildings, and an estimate of the cost of erecting the same, or of adapting any building as a school-house.

78. The name of the person proposed as teacher of any school shall be submitted to the Board of Education before the school is opened.

79. No aid will be granted to a school held in any church or chapel.

80. Before a grant to any school is recommended, the Board of Education is to be satisfied that the site is eligible; that the plan is approved of by the Superintendent of Public Works; and that the applicants have raised, or are prepared to raise, such sum as, together with the aid from Government, will be sufficient for the erection or adaptation of the school buildings, and the finding of school furniture, apparatus, &c.

81. Priority of application will not be considered to give a preferential claim to aid.

82. A grant will be recommended for any proposed school in any rural district which may be within one statute mile of a school-house erected with aid from the Government only in those cases where the number of the population or other local circumstances may in the opinion of the Board justify the grant.

83. Where the Board shall recommend a grant in aid, such recommendation will be submitted to the Governor, and if approved of by him, the amount of the grant will be carried in the books of the treasury to a separate account under the name of the proposed school.

84. The aid to be allowed by the Government towards any school-house shall be a sum equal to two-thirds of any amount, not exceeding the estimated cost, actually expended in erecting or adapting the building, including out-offices and school furniture.

 85. Before

85. Before any part of any sum granted in aid by the Government is issued, the local contribution must be paid or secured to the satisfaction of the Board. In any case, contributions in materials or labour, at prices approved of by the Superintendent of Public Works, will be allowed, in lieu of a money payment.

86. The sum allowed in aid by the Government will be issued from time to time in such sums as the Superintendent of Public Works shall allow in proportion to the advance made in the erection of the buildings.

87. The buildings and furniture shall be kept in repair by the Government, but one-third of the expense shall be borne by the local managers.

88. No religious emblem or symbol shall be at any time affixed to the exterior of any part of any school-house, or exhibited in the school-room, except during the times appointed for religious instruction.

89. Grants of a similar kind to those made to ordinary primary schools will be made towards the establishment of infant schools in towns and districts sufficiently populous to warrant the expenditure.

90. The Board of Education reserves to itself the right to withdraw any grant whenever it sees fit.

Religious and Secular Instruction.

91. The religious instruction fixed by the local manager or managers shall be exclusively under the control of the local manager or managers. And every teacher shall give such religious instruction at such hours as the local manager or managers may direct.

92. Such religious instruction shall take place either before the commencement or after the close of the ordinary secular instruction, as the local manager or managers may determine; but no change in the time for giving such religious instruction shall be made without the sanction of the Board of Education.

93. Every facility shall be given by local managers and teachers to ministers and persons authorised by them, to give religious instruction to pupils who do not attend the religious instruction given under the direction of the local managers.

94. Local managers and teachers are not to use any means directly or indirectly to induce children to attend any religious instruction contrary to the wishes of their parents or guardians. The Board will withdraw all aid from any school in which such interference is proved to have existed.

Use of Books.

95. The titles and particular editions of all books to be used in the course of secular instruction are to be notified by the managers of each school to the Board of Education, and none are to be used to which the Board may object.

Salaries of Teachers.

96. The Board will withdraw all aid from any school which fails to obtain results fees for two years in succession, unless another teacher be appointed.

97. Amongst the necessary apparatus must be included slates, slate-pencils, penholders, paper, pens and ink. No salary will be paid to any teacher where a proper supply of the above articles is not constantly kept.

Payment of Salaries.

98. Of the fixed salaries of teachers, male and female (exclusive of females employed to teach needle-work only), three-fourths shall be paid by the Government, the other fourth being paid by the local managers.

99. In all cases where fees are charged on the children attending any school, the three-fourths of the salaries to be paid by Government shall be three-fourths after deducting such portion of the fees as may be applicable to the payment of such salaries.

100. The results fees, and fees for attendance, shall be paid by the Government.

101. The salaries of monitors shall be paid by the Government.

102. Females employed to teach needle-work only shall be paid by the local managers.

Fees Payable by Pupils.

103. The local managers of any school may, if they see fit, require the payment of fees by children attending such schools; such fees to be in all cases first allowed and approved of by the Board of Education.

104. All fees payable by children attending any school shall be paid to the teacher, who shall account for the same to the local managers, by whom the same shall be applied to the payment, first of the expenses of maintaining the apparatus of the school, next to the payment of the work mistress, and lastly to the payment of the salaries of the teachers.

105. In

105. In the case of schools where fees are charged, the quarterly returns sent in to the Inspector of Schools shall include the amount of fees received during the preceding quarter.

Infant Schools.

106. As the Board of Education considers it most desirable that infant schools under the charge of a mistress should be established, grants of a similar kind to those made to ordinary primary schools, will be made towards the payment of mistresses of infant schools in towns and districts which are sufficiently populous to warrant the expenditure.

107. Before the Board of Education approves of anyone as mistress of an infant school, she will be required to obtain similar certificates to those required from teachers of primary schools.

108. No child will be admitted to, or allowed to remain at, an infant school after having passed its sixth birthday.

109. In the localities where, in the opinion of the Board, sufficient accommodation is provided by infant schools, children will not be admitted to the ordinary primary schools under the age of six years.

The above rules and regulations were passed by the Board of Education on the twenty-ninth day of March in the year one thousand eight hundred and seventy.

R. J. Lechmere Guppy,
Secretary to the Board.

— No. 19. —

No 19.
R. G. W. Herbert, Esq., to P. J. Keenan, Esq.
11 May 1870.

COPY of a LETTER from *R. G. W. Herbert*, Esq., to *P. J. Keenan*, Esq.

Sir, Downing-street, 11 May 1870.

I AM directed by Earl Granville to transmit to you copy of a Despatch from the Governor of Trinidad,* enclosing the amended rules and regulations agreed to by the Board of Education for the establishment and government of primary schools.

His Lordship would be glad to know whether these rules, as now sent home, suggest to you any additional observations to those contained in your letter of 29th ultimo† on this subject.

I am to request that you will return the printed rules at your convenience, as there is at present no other copy in this office.

I have, &c.
(signed) *R. G. W. Herbert.*

* No. 39, 6 April, page 128.

† Page 127.

— No. 20. —

No. 20.
P. J. Keenan, Esq., to R. W. G. Herbert, Esq.
14 May 1870.

COPY of a LETTER from *P. J. Keenan*, Esq., to *R. G. W. Herbert*, Esq.

Office of National Education, Dublin,
Sir, 14 May 1870.

I HAVE the honour to acknowledge the receipt of your letter of the 11th instant, with its enclosures, the rules and regulations of the Trinidad Board of Education, and a copy of Governor Gordon's Despatch of the 6th of April.‡

The former I herewith return.

May I beg you to express to Lord Granville the warm appreciation I entertain of his Lordship's kindness in sending me these documents.

His Lordship, you observe, would be glad to know whether those rules, as now embodied in a code, suggest any additional observations to those contained in my letter of the 29th ultimo.§

I have read the rules very carefully, and do not deem it necessary to trouble his Lordship with any further remarks, except to point out that in the Government schools the restriction of rule 73 leaves the ward schools, as regards religious

‡ Page 128.

§ Page 127.

ligious instruction, pretty much on the footing of the old system. I certainly would desire to see the teacher authorised and encouraged to give religious instruction to the children of the same faith as his own. The only restriction I would impose is, that he should give religious instruction to no others.

I have, &c.
(signed) *P. J. Keenan.*

— No. 21. —

No. 21.
Governor Gordon, C.M.G., to Earl Granville, K.G.
8 April 1870.

(No. 43.)

COPY of a DESPATCH from Governor the Honourable *A. H Gordon*, C.M.G., to the Earl *Granville*, K.G.

My Lord, Trinidad, 8 April 1870.

I HAVE the honour to enclose the resolutions on secondary education passed by the Legislative Council on the 25th ultimo.

The only division was on the 2nd resolution; Dr. de Verteuil having moved the addition of these words, "consisting of an equal number of Roman Catholics and Protestants."

I enclose a tolerably correct report of the debate on these resolutions.

I rejoice in the unanimity with which they have been adopted, and am sanguine in my expectation that the establishment of the Royal College will be attended with the most satisfactory results.

I have now, in the name and on behalf of the Legislative Council, and of the Board of Education, to request that Her Majesty will be graciously pleased to permit the new College to bear Her Majesty's name, in the same manner as the school, which it practically replaces, and to be called the "Queen's" Royal College of Trinidad.

I have, &c.
(signed) *Arthur Gordon.*

Enclosure 1, in No. 21.

Encl. 1, in No. 21. RESOLUTIONS with regard to the Establishment of the ROYAL COLLEGE of TRINIDAD.

Resolved,

I. That in order to carry out more fully the objects contemplated by the resolutions of the Board of Council of the 2nd September 1857, a collegiate institution be established in Port-of-Spain, to be styled the Royal College of Trinidad.

II. That the management of such college be vested in a council to be nominated by the Governor.

III. That schools of secondary education now existing, or hereafter to be established in the Colony, may, from time to time, be declared by the college council to be schools in connection with the Royal College.

IV. That the pupils of such schools being over the age of nine years, and having passed such entrance examination as may be required by the college council, shall be considered students in the Royal College.

V. That no direct religious teaching be given in such college.

VI. That all students of the Royal College shall be required to attend such examinations as the college council may determine.

VII. That students of the Royal College be required to attend the various courses of instruction therein as the college may determine, but any student shall, on the request of his parent or guardian, be exempted from attendance at any such course, except as regards the following subjects:—

Classics,	Natural Science,
Mathematics,	Modern Languages.

Exemption from a course of instruction in which, at the Royal College, will only be granted where efficient instruction in the same subject or subjects, approved by the college council, is afforded in the school wherein the student seeking exemption is a pupil.

VIII. That

VIII. That the exhibitions now given to the pupils of the Queen's Collegiate School be transferred to the Royal College, and increased in number from two to four.

IX. That a certain number of free admissions to the Royal College, not exceeding such number as the college council may from time to time determine, be awarded annually to pupils of schools receiving Government aid who shall satisfactorily pass such an examination as the college council may determine.

X. That free admissions to the Royal College be granted to the sons of deceased public servants.

XI. That the sum now annually voted for the Queen's Collegiate School be transferred to the Royal College.

XII. That the principal and professors of the Royal College be appointed by the Governor, and paid by the Colony.

XIII. That aid be furnished by the Colony to schools in connection with the Royal College.

XIV. That such aid shall consist of--

(*a*) A fixed salary to its principal or head, to be determined in each case by the college council.

(*b*) A capitation grant upon each student over nine years of age, who shall have received a certificate from the principal of having given such number of attendances at the Royal College as the college council may determine.

(*c*) A capitation grant based on the results of the annual examinations of the Royal College.

(*d*) A premium payable on the successful entrance of any of its pupils as a student at the Royal College.

XV. That the capitation grants payable on boys attending the Royal College, but not pupils in any school in connection therewith, shall be applied to the expenses of the college.

XVI. That the Normal School be placed under the control and direction of the principal of the Royal College.

Passed in Council this 25th day of March, 1870.

A. C. Ross, Clerk of Council.

Enclosure 2, in No. 21.

EXTRACT from the "Trinidad Chronicle" of the 29th March 1870. Encl. 2, in No. 21.

THE Hon. the Colonial Secretary then moved the Board into committee on the resolutions for establishing the Royal College, observing that the scheme of secondary education which they embodied should, in his opinion, receive the cordial and hearty support of all who felt an interest in the future social progress of the Colony. It would have been, he thought, most unfortunate if the changes which his Excellency had felt himself bound to introduce in the original scheme, had resulted in separating and keeping asunder, instead of bringing together, the rising generation of the country. As one who claimed to be deeply interested in the future of the Colony, he would give to his Excellency's scheme his entire and hearty support, because, while introducing certain modifications to meet the wishes and views of those whose conscientious objections were entitled to every respect and consideration, it secured the main intention of its founders, of offering to every class and creed the benefits of a substantially united education, bringing them together daily in friendly rivalry; and it retained the yearly exhibitions, by means of which a succession of the youths of the Colony would obtain the advantages of a University education, making it in many instances, he hoped, the stepping stone to future eminence in the land of their birth, or in some more extended field. He trusted that there might be many such who, in after years, would look back and thank those who, by their course that day, had afforded them the means and the opportunity. The hon. gentleman concluded by informing the Board that the scheme now submitted for their favourable consideration had been approved by the principal of the Queen's Collegiate School, and paid a passing tribute to the high character and attainments for which Mr. Deighton is distinguished.

The Board went into committee.

Mr. Joyau moved, as an amendment to the first resolution, "That no religious teaching should be given in the Royal College."

His Excellency had no objection to the motion, but thought it would come better as a substantive resolution after the third.

Mr. Joyau agreed.

The Hon. Dr. de Verteuil commenced a speech on the Catholic College, and on the position of the Catholics with regard to primary education, but was reminded by his

Excellency the Governor that these topics were hardly relevant to the first resolution, which simply provided for the establishment of a Royal College.

On the second resolution being read, the Hon. Dr. de Verteuil proposed that it should be provided that one-half of the college council should be members of the Roman Catholic Church.

His Excellency thought it would be better to avoid reference to any special religious persuasion, but had no objection, personally, to the amendment.

The Hon. Dr. de Verteuil made some remarks, only partially audible to anyone not in front of him, and some communications passed between him and the hon. member on his right, Mr. Joyau. He would persevere in his amendment. He wished it to be put on record, and, accordingly, moved the addition of a few words to this effect: "One-half to consist of Roman Catholics."

The Hon. Mr. Joyau seconded the amendment.

The honourable the Attorney General took the same view of the matter under debate as his Excellency, and represented to the honourable member the undesirableness of saying anything about any particular division or divisions of Christian belief. He thought the Board might rely upon the discretion of the Governor being wisely and fairly exercised in the choice of good and proper persons to the college council, and would much regret to see the Governor's hands tied in the manner proposed. He had had some part in framing the original scheme of collegiate education, but he willingly and readily admitted that his Excellency (turning to the Governor) had, by the present scheme, grafted great improvements upon his own. He thought that it was equally uncalled for and unwise to introduce religious distictions into the resolution, that to declare one-half of the council should be composed of Roman Catholics and one-half of all others was not the right thing to do, nor a course calculated to soothe jealousies among differing opinions. He would confide in the good intentions, good sense and judgment of the Governor to select proper and suitable persons to sit at the Board.

The honourable Solicitor General said he would certainly not vote in support of the amendment. It would give a bad appearance to this liberal scheme to introduce into it anything which would evidence a spirit of religious jealousy. The Governor had throughout the education measures manifested a spirit of fairness to all parties; his Excellency had already established a successful and satisfactory Board of Education in connection with primary education, and it would not be complimentary at this moment to withdraw from his control the formation of the college council.

The Board divided, and the votes were taken on the amendment; for: Messrs. Court, Joyau, de Verteuil, and the Chief Justice—4; against: the other members present—6; the amendment was consequently lost, and the resolution was then carried in its original form.

On the third resolution being put, the honourable Dr. de Verteuil made the speech which he had commenced on the first resolution. The gist of the honourable member's address seemed to be that, either the collegiate school ought to be abolished, or the Roman Catholic college should be raised to an equal status and efficiency with it by expending upon it as much money as what is spent upon the collegiate school and by providing it with a staff of equally efficient professors.

The honourable the Solicitor General on rising remarked that he would not have troubled the Board had the subject been any other than education, but on such a subject, even at the risk of intrusion, he thought some remarks were due from him. He took a somewhat different view of the subject from his honourable friend. He (the Solicitor General) started with the assumption that education was the thing to be considered and held in view, not the forms of religion or the religionists that may probably be affected by it. He was satisfied with the scheme. He would have been pleased to see two great colleges flourishing here, but the revenue of an island like this could not maintain two such establishments. It would require for that purpose an expenditure of about 6,000 *l.* or 7,000 *l.* every year.

It was wise therefore to make the collegiate school and Catholic college to operate in the great cause of education; and the scheme then before them would have that effect, the only question which might arise would be the inefficiency of the salary to be given, under the 13th resolution, to the principle of the Catholic College. He would have been glad if Dr. de Verteuil had addressed some argument to the Board on that subject, but he, the Solicitor General, had not heard anything from his honourable friend which diminished the value of the resolutions in his mind. He trusted and hoped that a fusion of all races and creeds would take place within the walls of the Royal College, and that the youths of this Colony of humble parentage would at last be afforded an opportunity of having their their talents developed and tried. As for the harmony which would attend the measure, he saw no difficulty in the way, no reason why it should not exist. In Paris the scholars attended different courses in different colleges. In Rome the students of the various colleges—the Colleggio Romano, the Jesuits' College, the Propaganda—all attended, as necessity required, different courses in other colleges; having different organizations, yet all worked in this way together to the great end, education.

The third resolution was passed.

In the fourth resolution the blank was filled up with the word "nine."

On the motion of Mr. Joyau the following words were inserted after the fourth resolution, forming Resolution V.: "That no direct religious teaching be given in such college."

The fifth Resolution (now the sixth) passed unaltered.

On the sixth (now the seventh) Resolution being put, his Excellency said, that the resolution

solution, as it originally stood had rendered attendance at the lectures in classics, mathematics, natural science, and modern languages obligatory on all students without exception; that this clause had been so framed after communication with the highest authorities of the Roman Catholic Church in England, and with their full concurrence, they having assured the Governor that no objection could be made to combined instruction in these branches of education. Nevertheless, he had found the strongest unwillingness here, on the part of leading Catholics, to accept this arrangement, and believing that a less perfect measure, frankly and heartily accepted, was likely to work more good than a better measure destined to encounter a dogged and sullen opposition, he had consented to allow exemptions from attendance on these lectures, although on the conditions now mentioned in the resolutions, but on the distinct understanding that, this modification being made, the college scheme was to receive the sincere support of the Catholic body, and that the accession of the Catholic College to it was determined, otherwise he would not alter what seemed to him a better plan. He made this declaration now, in order that if there had been any change of purpose, or if there existed any doubt on the minds of honourable members present who had been parties to that arrangement, as to its being carried out, they might now say so, as in that case he should propose the restoration of the original wording. Otherwise he was entitled to assume that the agreement made continued in full force, as he hoped and believed was the case.

The other resolutions passed with a few slight alterations; the number of free admissions to be given to students from primary schools receiving Government aid was not fixed, but left to be determined from time to time by the college council.

On the resolutions having been gone through, the Board resumed.

— No. 22. —

(No. 216.)

No. 22.
Earl Granville, K.G., to Governor Gordon, C.M.G.
24 May 1870.

COPY of a DESPATCH from the Earl *Granville*, K.G., to Governor the Honourable *A. H. Gordon*, C.M.G.

Sir, Downing-street, 24 May 1870.

I HAVE received your Despatch, No. 43,* of 8th ultimo, enclosing the resolutions on secondary education in Trinidad, passed by the Legislative Council on the 25th March.

I have the honour to inform you that, in compliance with the wishes of the Legislative Council and the Board of Education, Her Majesty the Queen has been pleased to signify to me her pleasure that the new collegiate institution should be called the "Queen's Royal College of Trinidad."

I have, &c.
(signed) *Granville.*

* Page 136.

— No. 23. —

(No. 219.)

No. 23.
Earl Granville, K.G., to Governor Gordon C.M.G.
30 May 1870.
No. 19, 24 Feb., p. 114.
No. 39, 6 Apr., p. 128.
29 Apr. 1870, p. 127.
14 May 1876, p. 135.

COPY of a DESPATCH from the Earl *Granville*, K.G., to Governor the Honourable *A. H. Gordon*, C.M.G.

Sir, Downing-street, 30 May 1870.

WITH reference to your Despatches noted in the margin, I transmit to you for your consideration, copies of two letters from Mr. Keenan, with observations on the rules and regulations for the establishment and government of primary schools in Trinidad.

I beg to recall your attention to the Rule of the Service requiring six copies of printed papers to be sent home.

I have, &c.
(signed) *Granville.*

— No. 24. —

(No. 224.)

No. 24.
Earl Granville, K.G., to Governor Gordon, C.M.G.
3 June 1870.

COPY of a DESPATCH from the Earl *Granville*, K.G., to Governor the Honourable *A. H. Gordon*, C.M.G.

Sir, Downing-street, 3 June 1870.

I TRANSMIT to you for your consideration copy of a letter from Mr. Keenan, with some observations on your Message to the Legislative Council, and on the proposed resolutions on the subject of secondary education, enclosed in your Despatch, No. 25,* of 10th March.

28 April 1870, p. 124.
* Page 120.

I have, &c.
(signed) *Granville.*

— No. 25. —

(No. 67.)

No. 25.
Governor Gordon, C.M.G., to Earl Granville, K. G.
10 May 1870,

COPY of a DESPATCH from Governor the Honourable *A. H. Gordon*, C.M.G., to the Earl *Granville*, K.G.

My Lord, Trinidad, 10 May 1870.

I HAVE the honour to transmit to your Lordship, for Her Majesty's gracious confirmation, "An Ordinance with regard to Education."

No. 6. 1870.

2. It is with great satisfaction that I at length am enabled to inform your Lordship that this long and difficult work has been completed, and that an educational measure framed in general accordance with your Lordship's directions has become law.

Its liberal and impartial character has been recognised by almost all who are not blinded by personal hostility or strong party prejudice.

3. I enclose a report of the speech which I delivered on the passing of the ordinance, which though not verbally accurate, conveys a fair general notion of the remarks I then thought it right to make.

4. The only point in the scheme as it now stands which calls for any special remark from me, in addition to explanations previously given, is the constitution of the executive committee.

I thought it better, taking into view the peculiar condition of the island, not to fix the number of the Board of Education, or to prescribe rigidly the relative proportion of members professing the Roman Catholic and other religions.

Such an arrangement undoubtedly answers well in Ireland, where an abundance of men fit to be members of the Board may easily be found among both Roman Catholics and Protestants, and the accidental exclusion from the Board, on account of there being no vacancy, would not materially affect its efficiency; but it would not answer equally well here, where the maintenance of a rigidly fixed number might exclude a man from the Board whose presence is of consequence there, or, on the other hand, compel the Governor to fill up the whole statutable number whether there were or were not competent men to be found at the moment.

Moreover, equality of numbers at the Board would be practically of little value as a security, as the whole of the members will rarely, if ever, attend a meeting. I have therefore determined to confine this principle of equal representation to the executive committee, half of which will be elected by the Roman Catholic members of the Board, and half by the Protestants, whatever their own numbers at the Board may respectively be.

This executive committee will practically be the Board of Education, as it will exercise all the powers of the Board, subject only to a formal revision.

5. All attempts at agitation against the new scheme of primary education have long since died away, and a general acquiescence, amounting, I think I may safely say, to general approval, has succeeded.

6. To

6. To the scheme of secondary education, it appears to have been felt from the first to be impossible to urge any grave objections, and though its working will at first require much tact and forbearance, I have no doubt, if these be not found wanting, of its complete success.

7. The so-called Education League has apparently come to an end; at all events it has shown no signs of life, nor, I believe, has any appreciable amount been collected for its support.

I have, &c.
(signed) *Arthur Gordon.*

Enclosure 1, in No. 25.

TRINIDAD.—No. 6.—1870.

AN ORDINANCE enacted by the Governor of Trinidad with the Advice and Consent of the Legislative Council thereof, with regard to Education. Enclosures in No. 26.

(L.S.) *Arthur Gordon.* 28 April 1870.

WHEREAS, under the authority of certain resolutions passed by the Governor with the advice and consent of the Legislative Council on the 19th day of April 1851, there have been established a Board of Education, a Normal School, and schools of primary instruction in the several wards of the Colony; Preamble.

And whereas under the authority of certain other resolutions passed by the Governor with the advice and consent of the Legislative Council on the 2nd day of September 1857, there has been established in the town of Port-of-Spain a school of secondary instruction, called the Queen's Collegiate School;

And whereas certain other resolutions were passed by the Governor with the advice and consent of the Legislative Council on the 21st day of December in the year 1869, for making certain alterations in the system of primary education: And whereas certain other resolutions were passed by the Governor with the advice and consent of the Legislative Council on the 25th day of March last past for the establishment of a collegiate institution in this island;

Be it enacted by his Excellency the Governor, with the advice and consent of the Legislative Council, as follows:

Board of Education.

I. The Board of Education shall consist of the Governor as President, and such persons as the Governor shall from time to time appoint, of whom one such person to be named by the Governor shall be Vice President, and all persons so appointed shall hold office during the pleasure of the Governor. As to the constitution of the Board of Education.

Any five members of the Board, of whom the Governor or Vice President shall be one, shall be a quorum.

The Governor, and in his absence the Vice President, shall in all questions have a second or casting vote.

II. It shall be lawful for the Governor from time to time to appoint such person or persons as he shall see fit to be Inspector or Inspectors of Schools, and also such person as he shall see fit to be Secretary to the Board of Education. Power to Governor to appoint Inspectors of Schools and Secretary to the Board of Education.

III. The Board of Education shall have power from time to time to make rules with regard to the examination of persons now employed as teachers in ward schools or to be hereafter employed as teachers under this Ordinance, and for classifying the certificates to be granted to such teachers, and the amounts and rate of salaries to be allowed to such teachers according to the class of certificate held by them, and for regulating the application for and the allowance of grants in aid of schools under local management, for the government of all primary schools, and generally with regard to primary education: Provided always that such rules shall not be in any respect contrary to the provisions of this Ordinance. Board of Education to make rules for the government of primary schools.

A copy of such rules shall be laid before the Legislative Council at its next meeting after the passing of the same. Rules to be laid before Council.

IV. The President and Vice President and eight members of the Board of Education shall form and be the executive committee of the Board; and such eight members shall be selected from time to time, four by the members of the Board, not being members of the Roman Catholic church, and four by the members of the Board being members of the Roman Catholic church. As to the appointment and constitution of Executive Committee of the Board of Education, and the powers of such Committee.

The executive committee shall meet once at least in every calendar month, and the members of such executive committee, or any two of them (of whom the President or Vice

President shall be one) shall have the power to make, subject to the approval of the Board of Education, all rules which the Board would be competent to make, and such rules, signed by the President or Vice President, shall be laid before the Board of Education at its next meeting; and if and when allowed by the Board of Education, shall have the same force and effect as if made by the Board of Education.

Schools of Primary Education.

Schools of primary education to be divided into two classes.

V. Schools of primary education shall be divided into two classes, first, schools already established or to be hereafter established by the Government, and to be maintained entirely from the public funds of the Colony, and secondly, assisted schools to be established by local managers, and to which aid shall be contributed from the public funds of the Colony.

Visitors of the Government schools to be appointed.

VI. The warden of each ward, and such person or persons as the Governor may from time to time appoint, and such two persons as the warden and auditors of each ward may from time to time select, shall be visitors of the Government Schools within such ward.

Direct religious teaching not to form part of the instruction to be given at any Government school.

VII. Direct religious teaching shall not form part of the instruction to be given at any Government School, but every minister of religion, or person appointed by him, shall have free access to such Government schools for the purpose of giving religious instruction to the children of the religious denomination to which such minister may belong, at such hours as may be agreed on between such minister and the visitors of such school.

Conditions on which State aid will be given to schools of primary education established by private persons.

VIII. Schools of primary education established by private persons (on being allowed by the Board of Education) shall be entitled to receive aid from the public funds of the Colony, on the following conditions:

1. That the property and control of the school be vested in trustees, who shall be the local managers, having the power to appoint and dismiss the teacher of such school.
2. That the teacher to be so appointed be duly licensed by the Board of Education.
3. That the school be open to all children without distinction of religion or race.
4. That no child receive any religious instruction objected to by the parent or guardian of such child, or be present whilst such instruction is given.
5. That free access be given, under regulations approved by the Board of Education, to all ministers of religion or persons appointed by them who may desire to afford religious instruction to children of their own persuasion, being pupils in such schools.
6. That the school be at all times open to inspection.
7. That the fees, if any, payable by the scholars do not exceed in amount a scale to be fixed by the Board of Education.
8. That the rules and books of secular instruction be subject to the approval of the Board of Education.

Aid to be granted to assisted schools.

IX. The aid to which assisted schools shall be entitled from the public funds of the Colony shall consist, first, of grants of money towards the providing of school houses and the furniture and apparatus of such school houses (in such proportions to the amounts contributed by the local managers as the Board of Education may from time to time determine), and secondly, in contributions towards the remuneration of the teachers of such schools.

As to the remuneration of teachers.

X. The remuneration of the teachers of schools of primary instruction, whether Government schools or assisted schools, shall consist:

1. Of a fixed salary according to the class of the certificate from the Board of Education held by such teacher.
2. A capitation grant in proportion to the educational results.
3. A capitation grant in proportion to the attendance of pupils at the schools.

Local managers to be responsible for portion of teachers' remuneration, &c.

XI. The local managers for the time being of assisted schools shall be responsible for one-fourth of the remuneration of the teachers and other expenses of the schools under their management, or for such proportion of such remuneration and other expenses less than one-fourth, as the Board of Education may in any particular case, regard being had to the circumstances of such case, allow and determine.

Power to local manager to appoint some other person in his place.

XII. It shall be lawful for any local manager of any assisted school by writing under his hand to appoint such other person as he may see fit as local manager in his place, and such appointment and the acceptance thereof in writing by the person so appointed shall be delivered to the Secretary of the Board of Education.

State aid to be withdrawn from assisted school where there is no local manager.

XIII. In any case where there shall cease to be a local manager of any assisted school, all aid to such school from the public funds of the Colony shall be withdrawn.

Power to Board of Education to order discontinuance of any Government school.

XIV. It shall be lawful for the Board of Education to make order for the discontinuance of any Government school in any district in which assisted schools under local management sufficient for the instruction of the children of the district shall be established, and conducted to the satisfaction of the Board, and also in any case where the conditions mentioned

in

in the clause marked VIII. of this Ordinance shall not be observed at any assisted school to withdraw the aid granted to such school and to establish a Government school in such district.

Education Rate.

Education rate to be levied.

XV. There shall be levied and paid yearly and every year, on all lands and houses within the several wards of the Colony, a special rate to be called the education rate, and the amount of the rate to be levied within each ward shall be fixed by an order of the Board of Education, to be made on or before the 30th day of September in each year; and all such rates shall be assessed, and shall be paid to the warden of the ward; and if not paid may be recovered, with such commission, and in such manner as any ward rate may from time to time be recoverable under or by virtue of any ordinance with regard to ward rates which for the time being may be in force.

As to the application of monies so raised.

XVI. All monies to be raised by virtue of such rate shall be paid by the several wardens into the Colonial Treasury, and shall be carried by the Receiver General to a separate and distinct account, and applied towards the expense of primary education under this ordinance; and if such monies shall be insufficient to defray such expenses the deficiency shall be borne and paid from the general revenue of the Colony.

Secondary Education.

"Royal College of Trinidad" to be established.

XVII. For the promotion of secondary education, and in the place of the institution now known as the Queen's Collegiate School, there shall be established in the town of Port-of-Spain a college to be called "The Royal College of Trinidad," and the yearly sum of 3,000 *l.*, now appropriated from the general revenues of the Colony to the Queen's Collegiate School, shall hereafter be applied and appropriated towards the support of such institution.

Management of College to be vested in the Governor and a Council.

XVIII. The management of such college shall be vested in the Governor and a council, to consist of such persons, not exceeding at any one time the number of 12, as the Governor may from time to time appoint.

Normal school to be in connection with Royal College and under control of Principal.

XIX. The Royal College shall include a normal school for the training of teachers for the primary schools of the Colony, which school shall be under the control and direction of the Principal of the Royal College.

As to the appointment of the Principal and Masters of Royal College.

XX. The teaching body of such college shall consist of a Principal, to be apponted by Her Majesty the Queen, and such masters as the Governor may from time to time appoint.

Salaries to be allowed.

XXI. There shall be allowed to the Principal for the time being a salary at the rate of 700 *l.* per annum, and a free residence for himself and his family, and to the masters such salaries as the Governor with the advice and consent of the Legislative Council may from time to time direct.

As to the admission of pupils of private schools as students of the Royal College.

XXII. It shall be lawful for the council of the college from time to time to declare any school of secondary education already established or hereafter to be established within this Island to be a school in connection with the Royal College, and the pupils above the age of nine years of every such school which may be so declared to be in connection with the Royal College, on passing such entrance examination at the Royal College as may be required by the council of the college shall be students of the Royal College.

Aid to which schools declared by the College Council to be schools in connection with the Royal College shall be entitled.

XXIII. All schools which shall be declared by the council of the college to be schools in connection with the Royal College shall be entitled from year to year to aid from the public funds of the Colony, to consist first—of a fixed salary to the principal or head of such school;—Second, a capitation grant for each student over nine years of age who shall have received a certificate from the Principal of the Royal College of his having given during the preceding twelve months such number of attendances at the Royal College as the council of the College shall determine;—Third, a capitation grant on the results of the annual examinations at the Royal College of the pupils of such school;—and Fourth, a premium on the entrance of each pupil of such school as a student of the Royal College.

Students of Royal College to attend such examinations as College Council may appoint.

XXIV. All students of the Royal College shall attend such examinations as the council of the College may from time to time appoint.

Students of Royal College to attend such classes of instruction as College Council may direct.

XXV. The students of the Royal College shall attend such classes of instruction to be established in such college as the council of the College may from time to time direct.

Proviso.

Provided always, that any student shall, on the request of the parent or guardian or person standing *in loco parentis* to such student, be exempted from attending any class except the several classes of classics, methematics, natural science, and modern languages; and may on the like request be exempted from attending any or either of such last-mentioned classes, where efficient instruction in the like matter is given to the satisfaction of the council of the College in the school whereof such student is a pupil.

As to the free admission to the Royal College of pupils of Schools of primary education.

XXVI. Free admissions to the Royal College not exceeding in each year such number as the council of the College may from year to year determine shall be awarded to pupils of schools of primary education who shall pass such examination as the council of the College shall appoint.

Power to governor to grant free admission to Royal College to sons of deceased public servants.

XXVII. It shall be lawful for the Governor to grant a free admission to the Royal College to the son or sons of any deceased public servant.

As to the application of capitation grants on students of the Royal College.

XXVIII. The capitation grants on students at the Royal College, not being pupils in any school declared to be in connection with the Royal College, shall be applied towards the expenses of maintaining the College.

Exhibitions to be granted to students of Royal College.

XXIX. In each year four exhibitions of 150 *l.* each for three years shall be granted to students of the Royal College who shall pass such examination, as the council of the College may appoint, to be applied towards the maintenance of such students at some university in Great Britain or Ireland.

Passed in Council this 26th day of April, in the year of our Lord 1870.

A. C. Ross,
Clerk of the Council.

Enclosure 2, in No. 25.

REPORT of a SPEECH delivered by His Excellency the Governor.

His Excellency then spoke somewhat to the following effect:—

"IT had been my intention, on this the last stage of the Ordinance before us, to have said a few words respecting it, before we finally take leave of a measure which has been so long under our consideration. It is still my intention; but my honourable friend the Attorney General has anticipated me, not only as to the substance, but also in a great degree almost as to the words I contemplated using. Like him, I had intended to express my hope that with the close of these long discussions, all bitterness and angry feeling engendered in their course might cease; that points of agreement rather than points of difference might henceforth be dwelt on; and that those who desire at the bottom the same end, though they prefer different modes of accomplishing it, will harmoniously concur and unite in giving the widest possible development, and ensuring the most vigorous efficiency, to this important law.

"I have every reason to be well satisfied with the reception it has met. I knew, and I said in the message with which I introduced it to your notice, that this measure would excite the dissatisfaction of many; that it would disappoint strong denominationalists; displease strict secularists; and supply an instrument to mischief makers and demagogues. Accordingly, some denominationalists (like my friend Mr. Joyau this morning) have not hesitated to express their dissatisfaction with some of its provisions; advocates of secular education have mourned the departure from the rigid doctrines of their creed; whilst others have not scrupled to discredit the measure, first, by endeavouring to persuade the Roman Catholic body that I had deceived them, and given them a measure far less denominational than I had led them to imagine; and, next, when it was found that this mode of attack did not answer, by affecting to discover that it was a measure that was to throw the whole education of the island into the control of priests and monks; a move not attended with more successful results than those which usually attend an entire change of tactics in the midst of a campaign.

"But, on the other hand, almost every person in the Colony whose name has been distinguished for literary or scientific acquirements, as eminent in public life, or as interested in the cause of education, has accepted a seat at the Board of Education, and has engaged to promote the success of the measure. It has received the acquiescence, if not approval, of men of the most dissimilar and strongest views. The Archbishop, whilst avowing his preference for a denominational scheme, admits, and has stated in writing, that the one now proposed is 'likely to prove a blessing to the Colony.' Bishop Parry, of Barbados, pronounces it a great improvement on the plan it supersedes; whilst on the other hand, so distinguished a secularist as Canon Kingsley, not only heartily approves and commends the scheme, but considers it as 'one for which all rational men should be thankful.' The Attorney General, not concealing his personal preference for the former system, tells you that he considers that now about to become law, to be 'fair and impartial,' and that he will do his utmost (and that utmost is no trifle) to promote its success. It has received the warm and emphatic approval of Her Majesty's Government, and it bears a strong stamp of its justice in the resemblance it possesses (a resemblance of which, when I framed it, I was wholly unconscious) to schemes of education in other Colonies, recently adopted with general approval, and some of which are already working there with success.

"Nor is this surprising; for the longer the scheme is in operation the better it will be understood; and the more it is tested by time the more its entire impartiality and equal fairness will be proved. For what is its principle? Setting aside questions of details and mere improvements of machinery, independent of principle or system, about which there may well be difference of opinion, it is broadly this: that whilst the State will see that ample provision is made for the secular instruction of the children of the people; whilst where such instruction is not afforded under the more active and powerful agency of local management, it will itself provide that instruction;—it will leave the parent of every child free and uefettered to decide according to his conscience whether that teaching is to be accompanied or not by religious education. It throws no impediment in the way of such education being given; it makes no imperative order that it shall be afforded, but

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leaves the decision of the question to those with whom I think it should be left: the parents of Trinidad themselves. If in any locality where one of the new assisted schools is sought to be established, the whole or a great majority of the inhabitants desire that their children should receive a purely secular education, they need only continue to send them to the Government school, and desire that no religious education be given them there. If they do not go to the new school it cannot be established. No aid will, of course, be given to a school without pupils. If, again, a large number of the people continue to frequent the Government school, and another large proportion attend the newly established one, both will be maintained; if all, or nearly all, attend the new school alone, the deserted Government school will naturally be abandoned.

"Of the relative merits of the different theories of education, I say nothing. I have never proclaimed my own personal opinion, nor is it necessary that I should do so. Could I by proclaiming it, or by passing a law enforcing the system I myself think best, induce everyone to concur in that opinion, and approve that system, I would do so. Could I by the waving of a magic wand impose one harmonious view on all the island, I would erect, not as now, that which seems to me the best practical, but that which I consider the best theoretical, system; but as things are, it is evident that whichever system is itself the best, an attempt on the one hand to impose strict secularism would wound the consciences of many, and an attempt on the other to impose strict denominationalism would exclude many from education altogether. Those who complain of the aid to be given to denominational schools under the new system forget that they are not seeking liberty to educate their own children as they please; a liberty they already possess in the fullest and freest measure, but are seeking to impose a system of education they themselves like on the children of those who object conscientiously to that system; a step more akin in my mind to tyranny than to liberty.

This measure is, as the Attorney General has told you, a measure of compromise. Every practically successful measure which deals with large questions on which men feel strongly is so, except when success is obtained, not by consent, but by coercion and force. As a measure of equitable and rational compromise it has been proposed by me, as such it has been accepted, and as such, I have no doubt it will succeed in carrying education where it never yet has reached, and aid to elevate and improve the condition of the people.

"Unpractical theorists, philosophers in their retirement, dilettanti politicians, looking rather to what they wish to see realised than to what can actually be realised, may be excused for desiring to impose on others the yoke of what they deem a perfect system; but the practical man less ignorant of the forces with which he has to deal, knows that to enact a law containing a theoretically perfect plan which will not work, is a far less useful task than to pass a humbler, less complete, less symmetrical measure, which will secure the co-operation of men of various views and opinions. The mere passage of a law may establish a system, but cannot continue it in force. It requires life in itself to keep it in existence. You may put together a machine, but it is a very different thing to attempt to keep it moving by the continued pressure and force of your own hand, and to supply it with steam, by the force of which it acts. Men are no puppets; their interests, their principles, their passions, their prejudices, must all be taken into account. No state yet was ever governed by pure reason. Nor is it, I take it, the province of a Government to decide for the people such a question as this, but to afford them all facilities for choosing for themselves. Such at least has been, and will be my policy.

"I had intended to answer, as I easily could, some of the weak and inconsistent arguments urged against this Ordinance, but I will not do so. I will not throw a doubt on the anticipations in which the Attorney General has indulged. I will not jar upon the tone of feeling created by his admirable and, I may almost say, touching speech, by indulging in controversy, or in demolishing arguments, the flimsiness of which the better enables me to leave them without notice.

"One thing only I will say with regard to one of the details of the law; a detail which has met with universal approval at this Board, and at the Board of Education, and which affects no principle at stake; but which I regret to learn has given dissatisfaction in some quarters, where it should not have done so. I allude to the provision which makes the salaries of schoolmasters dependent on their competency, and not on the particular school to which they may be attached. This is an improvement which can in no way be connected with the alterations affecting assisted schools, and is one which might and would have been effected by the authority of the Board of Education alone, had no other changes been made in the educational system. But I regret to learn that several of the ward schoolmasters are inclined to deem themselves aggrieved by this provision, and contemplate abstaining from presenting themselves at the approaching examination. The ward schoolmasters as a whole, are a useful and efficient body of men, who have done good service to the State, and will do more, and I regret that any of them should think themselves injured by a regulation which, if it weeds out the incompetent men who have here and there crept into their ranks, will really do them service. But still more should I regret were they in any number to be led to show themselves unmindful of the provisions of the law. Let me give them a friendly but serious warning. No Government can permit itself to be coerced by a conspiracy of its own servants, and they may rest assured that whether I, or another, be Governor here, they will not be allowed to set at naught the decisions of the Legislature, and act in opposition to the settled policy of the Government which employs them. At

whatever inconvenience and from whatever quarter it would be necessary to look for substitutes, they may rest assured that one result alone can attend insubordination and cabal. To by far the larger number, this warning is, I believe, unnecessary, but on the few who may have harboured such thoughts it will not, I trust, be thrown away, and they will, I hope, turn a deaf ear to those who invite them to thwart and undermine, 'so far as they can *safely* do so,' the policy of the Government they serve. Let them believe me:—even if they could do so with safety, they cannot do so with honour.

"And now I turn for a few moments to another subject. The law we are about to pass has encountered, as I knew it would encounter, the conscientious opposition of many. But of that opposition some part is no doubt personal to myself. That this should be so is only a necessary incident of the position I fill. Punished misconduct, disappointed incompetence, rebuked conceit, cannot be expected to look with favourable eyes upon the acts of power. From such opponents a new ruler is at first wholly free; though not for long, if he performs his duty. He is free, too, from the more baneful effect produced by the misconceptions often widely spread and accepted among well-meaning men through the misrepresentations of a few mischief-makers.

"I therefore regret less than I otherwise should do that the working of this measure, about in a few moments to become law, will fall into other hands than mine, the hands of one against whom no prejudice or prepossession can as yet have been excited.

"For it is my duty now to announce to you that a few days since, by the last packet, I received the Queen's commands to assume the government of another of Her Majesty's colonial possessions, and that I shall now only await here the arrival of my successor, an event which will probably be delayed not much more than another month.

"It is with keen regret that I leave here many works unfinished, many more only projected and not yet commenced. It is with regret yet keener that I look back on the three years I have spent here, and perceive how much more I might, and ought, to have done in that time for the benefit of the island and its people; although I hope these years have not been wholly fruitless.

"Not only have I never sought or desired removal from this Colony, but, as most of you are aware, I have more than once refused offers of appointments to more important, or, at all events, more profitable posts; but it appears to me that to continue to do so would savour of arrogance and conceit, and appear to intimate a belief, which I do not entertain, of my especial fitness for the office I hold. Excepting some accidental advantages, to which I have before alluded in this place, I am well aware that I possess few qualifications not equally possessed by others, and am deficient in many which are much required.

"During the short remainder of my stay here, I hope, with your assistance, to bring to a close the measures read a first time to-day, and some others of which notice will be given. To your co-operation I owe the successful accomplishment of many measures of useful legislation; it will, I doubt not, prove of equal benefit to my successor.

"For myself, I shall always follow with the deepest interest the fortunes of a Colony with which I have been so intimately connected, and I hope, at no distant day, to learn that all I now leave unfinished has been brought to a successful issue under the administration of Mr. Longden."

— No. 26. —

No. 26.
R. G. W. Herbert, Esq., to P. J. Keenan, Esq.
15 June 1870.

COPY of a LETTER from *H. T. Holland*, Esq., to *P. J. Keenan*, Esq.

Sir, Downing-street, 15 June 1870.

I AM directed by Earl Granville to transmit to you copy of a Despatch from the Governor of Trinidad,* enclosing the Education Ordinance, No. 6, of 1870.

Lord Granville would be glad to know if you have any observations to make upon the Ordinance now sent home in addition to those already made by you on the subject in your letters of the 28th and 29th April, and 14th May.

* No. 67 10 May 1870, page 140.

I have, &c.
(signed) *H. T. Holland.*

— No. 27. —

No. 27.
P. J. Keenan, Esq., to H. T. Holland, Esq.
23 June 1870.

COPY of a LETTER from *P. J. Keenan*, Esq., to *H. T. Holland*, Esq.

Education Office, Marlboro'-street, Dublin,
Sir, 23 June 1870.

I HAVE the honour to acknowledge your letter of the 15th,* enclosing the Education Ordinance of Trinidad, with a copy of the Governor's Despatch, and stating that "Earl Granville would be glad to know if I had any observations

* Above.

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to make upon the Ordinance, in addition to those already made by me upon the subject."

In reply, I beg you will inform Earl Granville that considering the general acquiescence, as the Governor mentions in his Despatch, with which the scheme has been received, regarded by Archbishop Gonin as "likely to prove a blessing to the Colony," by Bishop Parry as an improvement on the plan it supersedes, by the Attorney General as "fair and impartial," it would, I am afraid, be mere presumption were I to venture, even under the sanction of his Lordship's invitation, to indulge in criticism or comment.

I have only to add that it affords me unfeigned gratification to find this question brought to an issue, so highly approved by eminent authorities, and so generally acceptable to the public.

I also beg you to be good enough to express to Earl Granville my grateful appreciation of the consideration he has evinced towards myself in the discharge of the humble duties entrusted to me in connection with the settlement of the educational affairs of Trinidad.

I have, &c.
(signed) *P. J. Keenan.*

— No. 28. —

(No. 8 .)

No. 28.
Governor Gordon, C.M.G., to Earl Granville, K.G.
6 June 1870.

COPY of a DESPATCH from Governor the Honourable *A. H Gordon*, C.M G., to the Earl *Granville*, K.G.

My Lord, Trinidad, 6 June 1870.

I HAVE the honour to inform your Lordship that the Royal College established in accordance with the resolutions of Council of the 25th of March last, and in conformity with the provisions of the Education Ordinance, No. 6, of 1870, was formally inaugurated by me on Friday last; I enclose a report of the proceedings and of a speech made by me on that occasion.

I have every reason to be abundantly satisfied with the feeling manifested in favour of the new college, and if tact and judgment be shown, as I have no doubt they will be, in the management of this institution during the earlier part of its existence, the college cannot fail to exercise a most beneficial influence.

I believe that the staff and pupils of the Collegiate School and of the Roman Catholic College had never before been brought together in similar contiguity.

I have, &c.
(signed) *Arthur Gordon.*

Enclosure in No. 28.

EXTRACTS from "The Chronicle," Port-of-Spain, Friday, 3 June 1870.

The Inauguration of the Royal College.

THIS institution, which opens so great a promise to the youth of all creeds in this Colony, was inaugurated this afternoon, with a ceremony short indeed and simple; but, taken in connection with the high-toned and large-viewed speech of his Excellency, and the simple but striking ceremonial of the induction most timeously and effectively aided by the strains of the band in the adjoining hall, one that left a deep and serious impression on the numerous company that had the fortune to be present.

Shortly after the hour appointed, three in the afternoon, a considerable company was assembled in the Prince's Building, and the proceedings of the day commenced.

The platform at the upper end of the great hall was occupied by the Council of the new College, his Excellency the Governor in the Chair. The Council, the whole of whom were present, comprise:

The Honourable the Chief Judge Needham.	The Honourable the Frederick Warner.
„ „ „ J. Scott Bushe.	„ „ „ L. A. A. de Verteuil.
„ „ „ Charles W. Warner, C.B.	„ „ „ Henry Court.
„ „ „ Edward J. Eagles.	„ „ „ M. Maxwell Philip.

His Honour Mr. Justice Fitzgerald, and Andre Bernard, Esq.

Most of the members of the Board of Education were also present, the Principal and masters of the Queen's Collegiate School; the Superior and reverend professors of St. Mary's College; the clergy of the Church of England in the town; most of the leading Roman Catholic laity; many of the gentlemen of the learned professions, and of the mercantile body; while various sections of the middle classes were fairly represented in the numbers which participated in the event. Many gentlemen were accompanied by the ladies of their families, whose attendance threw a pleasing brilliance of aspect over a serious occasion. The seats of the capacious room were in fact everywhere dotted, among the sombre habits of the graver sex, with the light textures and gay colours of feminine attire. There was also a large number of the growing youth of the town, among whom the whole body of pupils of St. Mary's College, in their usual neat uniform.

The large and airy concert room, if not crowded, was occupied almost throughout, and the interest manifested by the spectators was close and respectful. His Excellency opened the proceedings with the following speech:

"We are met here to-day to inaugurate the Royal College, an institution in which the benefits of a sound education, I trust, will be secured to Protestants and Roman Catholics alike, without the slightest compromise of their respective principles.

"The Queen's Collegiate School, of which this College is, in some sort, an out-growth and development, was founded with the same object; but, successful as it has been in other respects, it cannot be said to have altogether attained this.

"St. Mary's College was founded by private enterprise with a different view, and to meet the wants of those who objected to the Collegiate School.

"It has long been felt the existence of two colleges, one, the smaller, almost entirely supported by the State; the other, the larger, wholly without State aid, was objectionable, and that the whole question of secondary education presented a most difficult problem.

"Some saw its solution in the withdrawal of all State aid from higher education; others in the establishment by the State of two distinct denominational colleges.

"I have elsewhere explained the reason why I consider both these suggestions faulty, and their probable effect bad; the one being certain to check and discourage superior education altogether; the other likely to substitute inefficient for efficient teaching, and small exclusive schools for a wide national institution.

"I knew that, whilst insuperable objections existed to a combined education in all subjects, that objection had its limits; that in America and in Germany I had seen Protestants and Catholics learning side by side; that in Mauritius, a college numbering 700 pupils, partly Protestants, partly Roman Catholics, existed; and that similar establishments were not uncommon elsewhere.

"I therefore determined to endeavour to effect the establishment of a college where combined study might be carried on in those branches of education with respect to which no objection to such a course was felt, and to support with Government aid, and bring under Government supervision those establishments where those branches in which a separate education was deemed necessary, were taught.

I had, when last at home, some anxious conferences with the highest ecclesiastical authority of the Roman Catholic Church in England on the subject, and came to a complete understanding with him in respect to it. That distinguished prelate, himself a man of the highest university eminence, is not one to be indifferent to the interests of learning; whilst his position, his known opinions, afford a guarantee that nothing sanctioned by him could, even by the most scrupulous, be considered in the least degree inconsistent with the interests of his church or his religion.

He expressed a strong preference for a totally separate education, but candidly admitted the objections to such a course in a small and not very wealthy island, and drew a wide distinction between combination for all purposes and for some only.

There were certain courses of instruction in which combined instruction could not possibly be given consistently with due regard to the faith of the pupils; there were others where it was difficult to decide whether it could or could not properly be given; there were others again where it might be certainly given without objection.

On this understanding the plan carried into effect is based; but the Legislature have gone far beyond what was then agreed; and whilst Archbishop Manning would have assented to an arrangement which would have excluded certain branches only of education from the common course, the law, as now in force, allows exemption from attendance on all, provided competent instruction is given to the pupils in the same branches elsewhere; till, in fact, all that remains obligatory is attendance at examinations and at the course of instruction in one or more of four given branches of education, if it should so happen that no adequate teaching in that particular branch is given in the pupil's own school.

A scheme more liberal, a bond more elastic, could hardly have been devised; capable of effecting, if desired, the closest union; capable of being stretched to almost any degree of slight connection; and even if some Catholics would still prefer a wholly separate system, they must, if candid men, admit that the Protestant population here have a right to demand that they should not be called on to surrender, in order to satisfy a mere preference, the great advantages they derive from a united college under State control, with its efficient staff and national character.

If religious difficulties are met, and conscientious scruples are not wounded, a sacrifice of preferences must often be made. Private wishes must often yield to the public good.

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In the first instance, all the boys of the former collegiate school have become students of the college, but probably a school of a similar character, but affiliated to the college, will shortly be formed, in which a large number of those boys will be included.

That the headship of the college should be entrusted to the Principal of the Queen's Collegiate School will, I am sure, be universally felt to be only a just tribute to the zeal, efficiency, and success with which he has hitherto laboured in his office, whilst, in addition to these qualifications, he possesses the no less important one for the post he is about to fill of a mind singularly impartial, just, liberal, and candid.

I hope that the other Professors of the college may be taken from affiliated schools, indiscriminately, the lectures being given as may be most convenient, and as may be arranged by the College Council.

It is intended by the College Council that the fees charged for attendance at the Royal College should be much lower than those heretofore charged at the Queen's Collegiate School. I do not believe that the mere financial loss will be great, whilst I believe a good education will, by this means, be placed within the reach of many who cannot now afford it.

I hope, but here I express only my own personal wish, not that of the council, which, as yet, has pronounced no opinion, that some of the changes introduced in most States in modern education will be made here, and that especial attention will be given to the teaching of some of the Eastern languages.

It is almost impossible to overrate the importance of this, both to the Government and the community; to the Government, as enabling it to avail itself of the services of honest, competent, and trustworthy interpreters; and the general community, as relieving both employer and employed from the necessity of depending on the interpretation of men not always very competent, nor always very scrupulous, whose mistakes or errors, whether wilful or accidental, may often effect much injustice, and on whose fidelity life may not unfrequently depend.

I thank the members of the College Council for having accepted a task which will, at first, involve much delicate tact, forbearance and caution, firmness, and the exercise of the talents I know them to possess, and which I am confident will be freely bestowed in working out the success of the institution committed to their care.

I thank the Principal and his staff for their past exertions, and I count with confidence on their future labours.

I thank the parents, who, by their presence, have manifested their interest in our undertaking and their wishes for its success, and I especially thank the ladies who have been drawn within these walls by graver attractions than those which generally bring us together at this building.

I rejoice to see here the Superior of St. Mary's College, and the goodly array of those under his charge, and I do so for many reasons.

I rejoice because, being not as yet affiliated or in any way officially connected with the Royal College, their presence is a spontaneous evidence of their goodwill and kindly feeling, and of the spirit in which they have been disposed to meet the efforts made to consult their feelings in the arrangements of this institution; a spirit yet further evinced by the fact that the Superior has informed me that he is about voluntarily to alter the course of study pursued in St. Mary's College, so as more nearly to assimilate it to that pursued here.

I rejoice, because in their presence I hail a sign that the affiliation which is, I believe, desired by the great body of the Roman Catholic community in this island, and to which it has been shown that no insuperable religious obstacle exists, will take place at no more distant day than is necessary to secure the approval, the naturally requisite approval, of ecclesiastical authority elsewhere.

I rejoice at their presence, because it enables me before this company to express my high sense of the courage and liberality which have maintained their college for years past without any aid whatever from the State, and, in spite of manifold obstacles and discouragements, have caused it to increase in numbers and efficiency.

I rejoice at their presence, because I desire to see the youth of Trinidad of every race, without indifference to their respective creeds, brought together on all possible occasions, whether for recreation or for work; because I wish to see them engaged in friendly rivalry in their studies now, as they will hereafter be in the world, which I desire to see them enter, not as strangers to each other, but as friends and fellow-citizens.

I rejoice because their presence enables me to take a personal farewell of so many of those who will in the next generation be the planters, the merchants, the official and professional men of Trinidad. By the time that you are men all the petty jealousies, all the mean resentments of this our day will have faded into the oblivion which is their proper bourne. But the work now accomplished will not, I trust, so fade. They will melt and perish as the snow of the north would before our tropical sun, but the college will, I trust, remain as the rock on which the snow rests, and which remains uninjured by the heat, unmoved by the passing storm. May it endure and strengthen as it passes from the first feeble beginnings of this its infancy to a vigorous youth and maturity. You will sometimes, in days to come, recall the inauguration of your college, and perhaps not forget that its founder prayed you to bear in mind the truth that you will find, even now, the truest satisfaction in the strict discharge of duty; that he urged you to form high and unselfish aims, to seek noble and worthy objects; and, as you enter on the world and all its tossing sea of jealousies,

strife, division, and distrust, to heed the lesson which an Apostle, whose words we all alike revere, has taught us, "If ye bite and devour one another, take ye heed that ye be not consumed one of another."

Here we hope a point of union has been found which may last through life, and that whilst every man cherishes a love for his own peculiar school, all alike will have an interest in their common college, all alike be proud of a national institution, jealous of its honour, and eager to advance its welfare.

It is a common thing to hear the bitterness of religious discord here deplored. I for one, looking back on the history of past years, cannot think, as some seem to do, that it has increased. On the contrary, it seems to me to have greatly diminished in violence when displayed, and that its displays are far less frequent. Such, I believe, will be more and more the case, and that whilst religious distinctions will remain the same, and conscientious convictions unaltered, social and party differences consequent on those distinctions and convictions will daily diminish, that all alike will more and more feel in how many things they can think and act together for the benefit of their common country, and of the community of which they all are members; how they can be glad together in her prosperity, and be sad together in the day of her distress; and work together at all times to promote her good. That this college is calculated to aid in a great degree in effecting this happy result, I for one, cannot entertain the shadow of a doubt. *Esto Perpetua!*

His Excellency was frequently applauded in the course of his speech, during the delivery of which his Excellency wore over the usual civil costume his long black Cantabrigian M.A. gown and white hood.

The Hon. the Colonial Secretary then advancing with a great outspread volume in both hands, his Excellency proceeded to administer the oath of allegiance and the official oath to Mr. Deighton, the worthy and well-proved Principal of the Queen's Collegiate School, after which, taking Mr. Deighton's hand and seating him in the chair which had been previously occupied by himself, his Excellency then addressed him:

> "*Auctoritate mihi commissa ab Reginâ Serenissimâ Dominâ Nostrâ, Te, Horatium Deighton, in hanc sedem præsidentiaem induco.*"

The Police band outside struck up "God save the Queen," and all the assembly rose. When the music ceased, Mr. Deighton then sat down, wearing his square collegiate cap, the Governor taking a seat on his right hand.

Mr. Deighton shortly after rose, and in a few well-chosen words expressed his intention to devote all his energies to justify the confidence which had been reposed in him. Mr. Deighton then again took his seat, and his Excellency, after a few moments, advancing to him, they left the platform, and moving down the central aisle between the benches while the band struck up an inspiriting air, the proceedings terminated, and the assemblage gradually dispersed.

We were particularly pleased to see so many of the principal members of the Catholic body aiding by their presence in the establishment of a great institution founded upon a broad and liberal basis, and that cannot fail to affect in the best manner the future generations of the leading classes here, an institution from which they, as the more numerous section of our people, will probably reap the larger share of advantage. A gentleman present, who had better opportunities than we of counting heads, has sent us the following list of those leading Catholics he observed in the hall:—The Hons. M. M. Philip, H. Court, Dr. de Verteuil, his Honor Judge Fitzgerald, Messrs. André Ambard, Paul Ambard, L.D. O'Connor, D. L. O'Connor, Paul Giuseppi, José Giuseppi, Léon Giuseppi, Arnold Lamy, José M. Farfan, P. T. Gellineau, Ferdinand Rat, Charles G. Pantin, Jules Léotaud, André Bernard, Phillip C. O'Connor, Charles Besson, L. M. Fraser, F.A. Paüll, James S. Hobson, Geo. L. Garcia, Dr. Padron, &c. &c.

— No. 29. —

No. 29.
Earl of Kimberley to Governor Gordon, C.M.G.
15 July 1870.

COPY of a DESPATCH from the Earl of *Kimberley* to Governor the Honourable *A. H. Gordon*, C.M.G.

Sir, Downing-street, 15 July 1870.

I HAVE received your Despatch, No. 83,* of the 6th June 1870, enclosing an extract from the "Chronicle," giving an account of the inauguration of the Royal College on the 3rd of June.

* Page 147.

I congratulate you on this very satisfactory termination of your efforts in the cause of education in Trinidad.

I have, &c.
(signed) *Kimberley.*

CORRESPONDENCE

RESPECTING THE

REMOVAL AND SUSPENSION OF COLONIAL JUDGES.

Presented to both Houses of Parliament by Command of Her Majesty,
JUNE, 1870.

LONDON:
PRINTED BY WILLIAM CLOWES & SONS, STAMFORD STREET & CHARING CROSS,
FOR HER MAJESTY'S STATIONERY OFFICE.

1870.

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BOMBAY BRANCH
OF THE
Royal Asiatic Society.
CLASS

SCHEDULE.

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CORRESPONDENCE

RESPECTING THE

REMOVAL AND SUSPENSION OF COLONIAL JUDGES.

No. 1. No. 1.

EXTRACT from a DESPATCH from Governor SIR HARRY ST. GEORGE ORD, R.E., C.B., to The DUKE of BUCKINGHAM & CHANDOS. Dated Government House, Singapore, July 15, 1868.

(No. 145.)

"In compliance with the request contained in a letter from Mr. Carmichael and "others, which I have the honour to enclose, I forward to your Grace a Petition drawn "up by these gentlemen in pursuance of certain Resolutions passed at a Public Meeting "held at the Town Hall on the 22nd June, together with a copy of the reply I have "caused to be addressed to them." 14th July 1868. 30th June, 1868. 15th July, 1868.

Enclosure 1 in No. 1. Enclosure 1 in No. 1.

SIR, Singapore, 14th July, 1868.

We have the honour to call His Excellency the Governor's attention to the following Resolutions, passed at a Public Meeting held in the Town Hall on Monday the 22nd June:—

1. "That the people of this Settlement have long enjoyed, in common with their fellow-"subjects in the United Kingdom and India, the great advantage of having the Judge of the Supreme "Court independent of the control and interference of the Executive Government, and the meeting "desires to record their strong sense of that advantage."

2. "That the meeting views with concern and alarm the unconstitutional power possessed by "the Governor of suspending any Judge of the Supreme Court, and considers the existence of such a "power as most injurious to the administration of justice."

3. "That the Ordinance constituting a Supreme Court of Judicature is incomplete, in so far as "no provision is made therein to secure the independence of the Judges from interference on the "part of the Local Executive."

4. "That a Petition of the inhabitants of Singapore, embodying the Resolutions just carried, "be forwarded to the Secretary of State for the Colonies through His Excellency the Governor."

The accompanying Petition has been prepared in accordance with these Resolutions, and we now beg to lay the same before His Excellency, for transmission to Her Majesty's Principal Secretary of State for the Colonies.

We have, &c.,

(Signed) A. T. CARMICHAEL,
Chairman of Public Meeting above referred to.
WM. ADAMSON.
JOHN S. ATCHISON.

H. F. Plow, Esq.,
Secretary to His Excellency.

P. S.—We would call His Excellency's attention to the fact that the Petition is signed not only by a large majority of the principal European inhabitants, but also by the most influential of the Arab, Chinese, and Indian traders resident in Singapore.

Enclosure 2 in No. 1.

Enclosure 2 in No. 1.

MAY IT PLEASE YOUR GRACE! Singapore, 30th June, 1868.

We, the undersigned inhabitants of Singapore, have learnt with great concern and alarm that the power possessed by the Governor of the Colony to suspend public officers extends to the Judges of our Supreme Court.

Ever since the establishment of that Court, now sixty years ago, the Straits Settlements have enjoyed the inestimable advantage of having justice administered by Judges entirely independent, not only of the local Governors, but even of the Governors-General of India; and that position of dignified independence secured to the Judges the entire respect and confidence of the various communities, both Native and European.

We deem it essential to the pure administration of justice that this independence should be preserved intact, and that the Judges should never be in a position in which they might be suspected of being under the influence of the Executive: any change in this respect we should consider deeply injurious to the best interests of the Colony.

We therefore pray that your Grace will take such measures as may be fitting to restore that complete judicial independence which we enjoyed under the Government of India.

And your Petitioners will ever pray, &c.

(Signed) THOS. SCOTT.
R. LITTLE, M.D.,
and by 200 others.

To His Grace The Duke of Buckingham & Chandos,
Her Majesty's Principal Secretary of State for the Colonies.

Enclosure 3 in No. 1.

Enclosure 3 in No. 1.

GENTLEMEN, Government House, Singapore, 15th July, 1868.

I am directed by the Governor to acknowledge the receipt of your communication of the 14th instant, calling His Excellency's attention to certain Resolutions passed at a Public Meeting held in the Town Hall on the 22nd June, copies of which are given in your letter, and enclosing a Petition, which has been prepared by you in accordance with those Resolutions, and which you request His Excellency to transmit to Her Majesty's Principal Secretary of State for the Colonies.

2. His Excellency's instructions require him to transmit documents of this description to the Secretary of State with all reasonable despatch, accompanied by such Report as their contents may appear to him to require; and His Excellency will have much pleasure in forwarding your communication and the Petition to His Grace the Secretary of State for the Colonies by the Mail of the 18th instant.

3. In the Report which it is His Excellency's duty to make on these documents, it will be necessary that he should call His Grace's attention to the circumstances that they proceed upon the assumption (1st Resolution), that the people of the Settlements have long had the advantage of having the Judges of the Supreme Court independent of the control and interference of the Executive Government, and that this judicial independence (Petition) will not be preserved if the Governor be entrusted with the powers possessed by all Governors of Colonies of suspending the Judges of the Court.

4. It is, of course, open to question whether the independence of the Judge is in any way affected by the existence of this regulation; but His Excellency must point out to His Grace the error which has been committed, in assuming that the Judges have hitherto enjoyed a position of dignified independence of the Governor.

5. A reference to the Charter, which defines the duties and position of the Judges, will show that the Judges of the Court were the Governor, the Resident Councillor of the Settlement, and the Recorder; and that the two former not only possessed equal authority and power with the Recorder, but that their decision in any judgment, rules, orders, or act of authority or power whatever, was binding, even though in opposition to that of the Recorder.

6. The Governor thinks it due to the signers of the Petition that they should be made aware of the exception he is thus compelled to take to one of its prominent statements.

7. His Excellency has not failed to observe, and will bring to His Grace's notice, that, with the exception perhaps of the members of the legal profession, the Petition is signed by a large majority of the principal European inhabitants unconnected with the Government, as well as by the most influential of the Arab, Chinese, and Indian traders resident in the Settlement.

I have, &c.,
(Signed) H. F. PLOW.

A. T. Carmichael, Esq., and others.

No. 2

No. 2.

COPY of a DESPATCH from The DUKE of BUCKINGHAM & CHANDOS to Governor SIR HARRY ST. GEORGE ORD, R.E., C.B.

(No. 197.)

SIR, Downing Street, September 21, 1868.

I have to acknowledge the receipt of your Despatch (No. 145)* of the 15th of July, transmitting a Petition signed by Mr. Scott and other inhabitants of Singapore, in which they pray that I will take such measures as may be fitting to secure the complete judicial independence which the Petitioners enjoyed under the Government of India.

* Page 1.

From the introductory sentences of the Petition, it appears that the Memorialists object to the power conferred by Her Majesty on the Governor of the Straits Settlements, as on the Governors of other Colonies, to suspend Judges of the Supreme Court, and that they are under the apprehension that the existence of this power will lay the Judges open to the suspicion of being under the influence of the Executive.

I infer that, on the same grounds, they would still more strongly object to the power of "amoving" Judges which is conferred on Colonial Governors by Act of Parliament (22 George III., c. 75). In both of these cases the power can only be exercised with the concurrence of the Executive Council; but the suspension must be confirmed by the Crown before it becomes a dismissal, while the amotion becomes at once complete, and can only be set aside by an expensive appeal to the Privy Council. The power, therefore, which is conferred on the Governor by statute is even greater than that which is conferred on him by the act of the Crown.

The system which now exists in the Straits Settlements prevails in all Crown Colonies, and, with scarcely a modification, in all Colonies not possessing Responsible Government; and I am aware of no reason for doubting that whatever is, in this respect, best for the Straits Settlements, would also be best for Ceylon or Hong-Kong, and other Colonies not possessing Responsible Government. The real question, therefore, which is raised by the Memorial is, whether it is or is not for the public interest that Judges of such Colonies shall be liable to suspension or removal by the Governor and Council.

Her Majesty's Government are fully alive to the importance, or rather to the paramount necessity, of enabling Colonial Judges to administer the Law of the Colony, in all cases which may be brought before them, without any prospect or apprehension of direct or indirect interference from the Executive. But on this, which is true judicial independence, the Governor's power of suspension or removal has scarcely any bearing whatever. It is not by so rude and dangerous a method as undeserved dismissal that a corrupt Governor could, in these times, endeavour to interfere with the course of justice.

Nor, again, can any argument be properly drawn from the analogy of this country. I am far from undervaluing the knowledge and ability of Colonial Judges and lawyers. But it is evident that no lawyer can be advanced to a place on the English Bench without a professional trial longer and far more severe than that which would qualify him for a colonial appointment; and that an English Judge performs his functions under the eye of a numerous and highly-educated Bar, with the assistance and under the correction of colleagues who are among the first lawyers of the world, and subject to the observation of a critical and well-informed Press. Lastly, the engrossing nature of his own duties, and the magnitude of the sphere in which he acts, render it improbable that he will so entangle himself in local, personal, or political controversies, as to impair his credit for judicial impartiality. Thus chosen and thus circumstanced, there is little danger that an English Judge will neglect his duties, or abuse his great powers. In the Colonies, I need scarcely point out, these securities for judicial propriety exist in a very mitigated form; and while, with the Memorialists, I hold it indispensable that no Governor should influence, or attempt to influence, or (if possible) have the power to influence, a decision of the Supreme Court, I do not think it for the good of the community that a functionary who is not, like an English Judge, immediately under the control of an enlarged public and professional opinion, nor, like the Governor, subject to the direct authority of the Crown, should be relieved from that general responsibility to the Local Executive which is confessedly necessary in the case of all other public officers.

I may add, that if he were thus relieved from responsibility to any local authority, he would occupy a position, in some respects, even more advantageous than that accorded to English Judges, who perform their functions under the observation of a body which is capable of removing them in case of improper behaviour—the Parliament of the United Kingdom.

I am by no means prepared to say that the conditions under which Colonial Judges are removable are incapable of improvement; but I am clearly of opinion that the alterations which are indicated by the Memorialists would not be for the public interest. As guardian of that interest, I am, therefore, unable to recommend their adoption; and I think it right to express my conviction, founded on the experience of this Department, that, if adopted, they would cause far more apprehension and discontent in other Colonies than the introduction of what I will call the Colonial System has occasioned to the Memorialists.

You will communicate to them a copy of this Despatch in answer to their Petition.

I have, &c.,

(Signed) BUCKINGHAM & CHANDOS

No. 3.

No. 3.

Memorandum by Sir Frederic Rogers, Bart.

The Removal of Colonial Judges.

(1.) Modes of Removal :—

(*a.*) The Act called Burke's Act extends to all Colonies, and to all Colonial Judges appointed *by Patent* (which is the usual, if not universal, mode of appointment), whether they hold during good behaviour or during pleasure.

This Act enables the Governor and Council to "*amove*," or dismiss, a Judge, subject to an appeal to the Privy Council.

(*b.*) The Queen's Commission and Instructions authorise the Governor, after taking the advice of his Council, not to remove, but to suspend, any officer liable to dismissal by the Crown. This suspension becomes dismissal if confirmed by the Queen, who would in general act on the advice of the Secretary of State, but in the case of a Judge might invoke the Judicial Committee.

The Governor may act contrary to the opinion of his Council, but, of course, would not do so except in a most extreme case.

These powers extend to all Judges holding during pleasure, and the same method is considered applicable, in the absence of any statutory provision, to Judges holding during good behaviour.

(*c.*) In most Colonies having Responsible Government, a Judge may be removed by the Queen on Addresses from the two Houses of the Legislature.

It has been determined that the Queen is not a passive agent, but is bound to ascertain the propriety of a removal, which would probably be done by proceedings before the Judicial Committee.

(*d.*) The Judicial Committee will, if requested by the Secretary of State, exercise the power of trying a Judge on complaint made by a Colonial Legislature against him. This has been done in cases of Judges holding during pleasure.

In this state of things various questions have arisen, viz. :—What Judges ought to hold during good behaviour, and what Judges during pleasure?—What questions coming to England should be decided by the Secretary of State, and what by the Judicial Committee?—Whether it is more convenient to proceed under Burke's Act, or under the Queen's Commission, or by resort, in the first instance, to the Judicial Committee?—and so on.

The general tendency has been to consider: (1.) That every Judge should be treated as holding during good behaviour; the difference being that where the tenure was nominally during pleasure, the rules of evidence are to be less rigidly applied, and the condition of "good behaviour" to receive a larger acceptation.

(2.) That Judges should be appointed formally during good behaviour, where the salary is such as to command a superior class of lawyer, and where there exists a sufficient combination of the following conditions: a reasonably extended public opinion, a tolerably efficient press, colleagues, an intelligent Bar, and a society large enough to make the Judge's personal habits no great element in the improvement or corruption of colonial society.

But that, where no such combination exists, it is advisable to possess a somewhat more ready mode of getting rid of officers, who, if they turn out ill, can disorganise the whole society and adminstration of the place.

The salaries of Colonial Judges vary from £500 to £2000 a year. And the Judges are lawyers who have had no such practice as renders them unwilling to accept this scale of payment.

(3.) As to the mode of proceeding. An efficient inquiry on the spot, where all the witnesses are, and details are understood, is, of course, indispensable. To transfer all this to England would make justice as against a Judge unattainable in the case of a small Colony, and inordinately expensive in all cases. It is apprehended that the Judicial Committee prefer that questions should be brought before them on appeal rather than in the first instance. And Secretaries of State have been, perhaps, inclined to "amotion" under Burke's Act with appeal to the Judicial Committee, rather than suspension under Instructions with appeal to themselves.

All this appears pertinent to the issue now raised, which is, whether all questions relating to the removal of a Judge (except, it is presumed, in Colonies having Responsible

Government) should not be referred in the first instance to some tribunal at home, without any local decision whatever?

The question has arisen with reference to the Judges in the Straits Settlements. Before these Settlements were (about two years ago) placed under the Colonial Office, the Judges held their offices in entire independence of the Local Executive, and were responsible solely to the Minister of the Crown. Now they are removable according to the colonial system, and against the introduction of this (there novel) system complaints have been made.

In this case we have to consider the case, not of judicial officers in some of the smaller Colonies—men more of the class of English police magistrates than of English Judges—but of Judges having, like the other Colonial Supreme Courts, all the criminal and civil jurisdiction which belongs to the Courts of Chancery or the Queen's Bench in this country.

The following reasons are alleged for exempting the Judges from all responsibility to the Local Executive :—

1. They ought, as far as possible, to be exempt from all influence likely to affect the impartial discharge of their duties, and the influence most likely to affect them seems to be that of the Governor. He reports confidentially on their conduct and efficiency, and influences by his reports their prospects of advancement.
2. The more we can adhere to the principle on which Judges are removable here the better.
3. The Legislature does not come into close contact with English Judges. It is not influenced with reference to them by likes or dislikes. It has to decide on charges against them in the face of day, and, except in times of vehement and abnormal party excitement, it will never condemn a Judge unjustly. Its decision is final, but its operation is slow. There is no place under our system for cases such as Cloëté's, or that of the other Judge suspended in Natal (p. 24 of Mr. Napier's pamphlet).

   All these conditions are far better fulfilled by a Secretary of State than by a Governor. The Secretary of State is not in personal contact with Colonial Judges. He is responsible to Parliament for his acts. His decision is final. He does not wound—he strikes home. His action is slow, not precipitate—not too slow. A month will, in most cases, bring the case before him, and the telegraph, if necessary, may carry back his decision.
4. Can it be a question which system is most likely to secure the impartial administration of justice? How are mischievous quarrels likely to be avoided by the subordination of Judges to Governors, except so far as this subordination makes the Judges subservient to the Governors? It was Mr. Burke's opinion that "Colonial Judges should hold their offices during their good behaviour, "and should not be removed therefrom but when the said removal should be "adjudged by the Sovereign in Council, upon a hearing or complaint from the "General Assembly, or on a complaint from the Governor, or Council, or "House of Representatives, severally, of the Colony in which they have exer-"cised their office."

This shows, at all events, that the arguments from the superior facility of getting evidence on the spot, and from the absence of an educated and powerful public opinion in Colonies, had no controlling weight with Mr. Burke.

For a Local Tribunal there are the following reasons :—

1. Promptitude. A Judge's refusal to perform his duties, or abuse of his powers, may be such that it is necessary at once to arrest his proceedings, or supply his place.
2. The local inquiry will be conducted with more completeness, and questions pushed more home, if the inquirers are responsible for arriving at a conclusion.
3. The transfer of the decision to England will encourage the manufacture of evidence, plausible on paper, though not to persons on the spot, which, if it does not mislead the Home Tribunal, will lead to references and correspondence.
4. It will deprive the Home Tribunal of the assistance derivable from the opinions pronounced under a sense of responsibility by persons who examined the witnesses personally, and are cognizant of local usages and circumstances.
5. It will deprive the accused person of the advantage of an appeal. One tribunal will pronounce a final decision.
6. It will invite an unfair Governor and Council to harass a Judge, by sending for

decision at home complaints on which they would not themselves venture to pronounce an adverse decision.

7. On an intelligent and upright Judge the change would be wholly inoperative. If it rendered a weak Judge more actually and apparently independent for good, it would render an ignorant, dishonest, or perverse Judge more independent for evil.

8. And the evil is more real than the advantage, as, practically, the complaints of perverse or discreditable Judges who require control are frequent; whereas complaints do not reach the Colonial Office, either of weak Judges who are in the hands of a Governor, or of upright Judges who are harassed by charges against them. When suspensions have been reversed, they have rarely involved a substantial acquittal of the Judge.

With a view to balancing these advantages and disadvantages, it should be observed:—

(1.) That it is very difficult in a small Colony to substitute any other Local Tribunal for the Governor and Executive or Legislative Council.

(2.) That it is *primâ facie* to be presumed that a Council composed of the principal officers of the Colony will act fairly in a matter of importance concerning a colleague more than able to defend himself, and in which their act has to be confirmed by the Secretary of State; while the Governor is more responsible to the Home Government than any other officer, being liable not only to removal, but to loss of reappointment.

(3.) That the argument from promptitude is diminished in force by present facilities of communication.

The present arrangements, having been the growth of circumstances—almost of chance—may probably be improved. But Burke's Act cannot be modified but by Parliament.

No. 4.

No. 4.

MEMORANDUM

With reference to the Practice of the Privy Council in the Removal of Colonial Judges.

THE Lord President, in answer to the questions submitted to this Department and to the Lords of the Judicial Committee by direction of Earl Granville, has caused the following Memorandum to be prepared, for the purpose of explaining the views taken by their Lordships on the subject of the Removal of Colonial Judges, as far as they may be gathered from reported cases, and from the experience of the last thirty years.

It is obvious that some effectual means ought to exist for the removal of Colonial Judges charged with grave misconduct, and that these means ought to be less cumbrous than those existing for the removal of one of Her Majesty's Judges in this country. The mode of procedure ought to be such as to protect Judges against the party and personal feelings which sometimes sway Colonial Legislatures, and to insure to the accused party a full and fair hearing before an impartial and elevated tribunal. Hence, it was considered in the case of Mr. Justice Boothby, that although the Legislature of South Australia had passed Addresses to the Crown for his removal, that measure did not suffice, as it would have done in England; and that, although the Legislature might act as his accuser, it rested with the advisers of the Crown in England to dispose of the charges against him.

All the forms of suspension or removal which are in use lead by different roads to the same result—viz., a hearing before the Privy Council.

When a positive "amotion" has been made by a Governor under Burke's Act, the appeal to the Queen in Council is *strictissimi juris*, being provided by the statute itself.

When an order of suspension from office has been made, the matter has commonly been referred by the Queen to the Judicial Committee, on the recommendatian of the Secretary of State, though not invariably so, as in some cases the Secretary of State has himself advised the Crown to confirm or to disallow the suspension.

The reference may be made to the Judicial Committee, or to a Committee of Council generally; but if it be made to the Judicial Committee, it is desirable that the Lord President and the Secretary of State for the Colonies should sit with the Judges on the hearing. This course has been pursued with advantage in several instances.

When charges are brought by a Colonial Assembly against a Judge, in the shape of a Petition to the Queen in Council for his removal—as in the cases of Chief Justice Boulton from Newfoundland, Mr. Justice Sanderson from Grenada, and Chief Justice Beaumont

from British Guiana—the Privy Council exercises a species of original jurisdiction on these Petitions, which shall be considered presently.

It may be remarked, generally, that it is extremely difficult, and might be highly injurious to the public service, to lay down an inflexible rule as to the mode of procedure to be adopted in all cases of this nature. When a Judge is charged with gross personal immorality or misconduct, with corruption, or even with irregularity in pecuniary transactions, on evidence sufficient to satisfy the Executive Government of the Colony of his guilt, it would be extremely improper that he should continue in the exercise of judicial functions during the whole time required for a reference to England, or a protracted investigation before the Privy Council. Immediate suspension is in such cases a necessity, if much greater evils are to be avoided. But it must be borne in mind that a Governor who resorts to such a measure takes it at his own peril, and is bound to make out a complete case in justification of it. When such cases come to be investigated at home, both the Governor and the Judge are in reality on their trial; and to have taken unwarrantable proceedings against a Judge would doubtless be regarded as a most serious offence on the part of an executive officer.

On the other hand, when the charges against a Judge consist, not in any alleged acts of personal misconduct, but in a cumulative case of judicial perversity, tending to lower the dignity of his office, and perhaps to set the community in a flame, it is more difficult for the Local Executive to act on its own responsibility. It is in cases of this description that Petitions for the removal of Judges have been addressed to the Queen in Council by Colonial Legislatures.

This last-mentioned mode of proceeding has been found by the Lords of the Judicial Committee to be more dilatory, more expensive, more onerous to the parties, and less satisfactory to their Lordships, than the mode by way of previous suspension or "amotion;" and that for the following reasons:—The Privy Council, accustomed to act as a Court of Appeal, that is, to review the evidence and decision of inferior tribunals, has by its constitution considerable difficulty in exercising an original jurisdiction, especially when the evidence has to be transmitted from the Colonies. No regular system of pleadings and procedure can be said to exist in such cases. The consequence is, that the charges being often loose, vague, and multifarious, their Lordships have not found it easy to reduce them to distinct and positive issues of fact or of law, such as are necessary to the maintenance of a quasi-criminal proceeding.

As in ecclesiastical suits for the correction or removal of clerks, to which these proceedings offer some analogy, it is essential that the articles should be clearly expressed, and that the accused person should have full notice of all that is to be proved against him.

When the issues are settled, comes the difficulty of the evidence. Both sides produce affidavits and other written testimony from the Colony. When a batch of affidavits has been filed on one side, application is made by the other side for time to answer them. Great delay and expense ensue; and, as in the case of Mr. Beaumont, this kind of irregular pleading may protract the hearing of the case for two or three years, during which time the Judge, whom the Colony is seeking to remove, retains his office. When the case is completed, by the parties or their agents, and brought on for argument, it is often loaded with a mass of irrelevant matter. Over these proceedings, regulated as they are by the advice of counsel on either side, their Lordships can exercise but little control in the preliminary stages of the case, being themselves unacquainted with the merits of it.

The mode of "amotion" with the right of appeal, or of temporary suspension with a reference to England, is not open to these objections. The evil of an inefficient or discredited judicial officer is at once removed. The Governor, who feels called upon to take so decided a step, is bound to give to the accused person full notice of all the charges brought against him, to call upon him for his answer, and to hear it. This, therefore, affords a solid groundwork for his subsequent proceedings.

Furthermore, the Governor, knowing that his decision will be reviewed in England on appeal, is bound, for his own justification, to send home the proceedings and evidence on which that decision rests in a clear and intelligible shape; and provision is made for the performance of this duty by Nos. 83, 84, 85, and 86 of the Colonial Regulations.

If the matter is then referred by Her Majesty in Council to the Judicial Committee, their Lordships are at once in a position to deal with it. The delay and expense incidental to getting up a case at a distance from the original scene of dispute, vanish. The case is, or ought to be, already complete. And if it be at once submitted to the judgment of their Lordships in a complete form, there is no reason that it should not be

heard and disposed of in a very short time, and at a small expense. Mr. Cloëté's case (8 Moore, 484) is a fair sample of a proceeding judiciously conducted in this manner. That gentleman had been improperly removed from a judicial office on the 12th of April, 1853—he was restored to it by their Lordships on the 20th of February, 1854; and, although he had undoubtedly suffered an injustice, their Lordships expressed their desire that he should be indemnified for the expense he had been unjustly put to—and he was, in fact, soon afterwards, promoted to a higher judicial office.

It is scarcely necessary to add that, in Colonies having Legislative Assemblies, those Assemblies cannot be deprived of their undoubted constitutional right to address the Crown for the removal of a Judge; and the exercise of this right is altogether independent of the course which the Governor of the Colony may think fit to adopt. When the charges against a judicial officer originate with Assemblies, the form of Address or Petition is perhaps the most correct, though not the most convenient, form of proceeding. When the action for removal originates with the Governor, he has the power to give effect to it in his own hands, subject to the control of the Home Authorities.

The experience of the Lords of the Council, therefore, strongly corroborates the arguments stated in Sir F. Rogers' Paper *in favour* of proceedings by the Governor, subject to a review by the Secretary of State or the Privy Council in England; and they have invariably found, that in the cases in which proceedings have originated with the Local Assemblies, the delay, uncertainty, and expense have been greatly augmented.

At the same time, when the misconduct charged is purely judicial, and therefore not properly amenable to the decision of the executive authority, acting on the advice of Law Officers or advisers of inferior rank, it would seem that the due maintenance of the independence of Judges requires that judicial acts should only be brought into question before some tribunal of weight and wisdom enough to pronounce definitively upon them; and this function appertains with peculiar fitness to the Privy Council, which, as a Court of Appeal, has to review the decisions of all the Colonial Courts.

OBSERVATIONS by LORD CHELMSFORD upon the MEMORANDUM with reference to the Practice of the Privy Council in the Removal of Colonial Judges.

9th April, 1870.

I concur generally in the views expressed in this Memorandum.

The question of the removal or suspension of a Colonial Judge is one of great delicacy and of some difficulty; but, upon the whole, I think that in all cases, except those which sometimes occur of judicial indiscretion or indecorum, the best system is that which leaves the responsibility in the first instance to the Governor of the Colony, subject to an Appeal to the Queen in Council. Of course so serious a step as the removal or suspension of a Judge ought not to be taken without a distinct communication being previously made of the specific charges of misconduct imputed, and without an ample opportunity being afforded to the Judge of answering these charges. In every instance of this kind, it seems to me that it would be better that the matter should be brought before the Privy Council, rather than that the final decision should rest with the Secretary of State—because the reasons for the determination in the latter case are not made public (publicity in an accusation of a Judge being always desirable), and because an impression sometimes prevails that there is an inclination in the Colonial Office to uphold their Governors upon any subject of complaint which arises in the Colonies.

When I speak of judicial indiscretion or indecorum, it may be difficult to explain my meaning in words, and yet it will probably be sufficiently understood. As an illustration, I would mention ebullitions of temper and intemperate language, leading continually to unseemly altercations and undignified exhibitions in Court. Upon occasions like these, different opinions may be entertained whether the conduct of the Judge is such as to render him unfit to continue upon the Bench. I think the evil of allowing such a Judge to exercise his functions while his conduct is being inquired into, would not be so great as permitting a Governor to determine upon his own judgment and discretion that the behaviour of the Judge was so incompatible with the temperate and dignified administration of justice, as to render it desirable on public grounds that he should be removed. In these cases it would be better, in my opinion, to inform the Judge of the specific instances in which it is alleged that he has not preserved the decorum of his judicial character, and to call upon him for distinct answers to the charges, with an intimation that the whole will be sent home for the decision of the Privy Council.

These observations do not apply to grave charges of judicial delinquency, such as corruption, or to cases of immorality or criminal misconduct. Instances of this kind ought to be visited by immediate removal from the Bench (of course not before a full opportunity has been afforded to the accused Judge to defend himself). Such serious cases ought to be brought before the Privy Council, either by Appeal on the part of the removed or suspended Judge, or upon the recommendation of the Secretary of State.

CHELMSFORD.

OPINION of the Right Hon. STEPHEN LUSHINGTON, D.C.L., late Judge of the Admiralty, on the Removal of Colonial Judges.

14th April, 1870.

It is, I think, perfectly clear that all inquiries into the alleged misconduct of Colonial Judges must be attended with difficulty, and in most cases with some mischievous consequences.

I entertain no doubt in my own mind that the most efficacious means of proceeding, and productive of the least evil consequences, is that the Governors of the Colonies respectively should be entrusted with the power of investigating any alleged charges against the Judges, and, if in their opinion need be, of suspending them. Of course all the proceedings, and the evidence upon which they act, should be remitted without delay to the Colonial Office, and, if need be, Her Majesty will be advised to remit the case to the consideration of the Privy Council. I apprehend that the Judicial Committee has no peculiar claim to take cognisance of such a case.

I think that the propriety of the Colonial Governor being invested with this power, great as it is, would be more apparent if contrasted with any other mode of proceeding than that suggested.

I forbear to enter into those particulars, not only because they are obvious, but also because I feel confident the consideration of them would naturally occur to all who have to look into this question.

S. L.

OPINION of the Right Hon. SIR EDWARD RYAN on the Removal of Colonial Judges.

21st April, 1870.

I entirely concur in the opinion expressed by Lord Chelmsford and Dr. Lushington, and in the Memorandum, that the best mode of proceeding, and productive of the least evil consequences, in most cases, will be to leave the responsibility, in the first instance, to the Governor of the Colony, subject to an Appeal to the Queen in Council.

I agree with Dr. Lushington in thinking that the Judicial Committee has no "peculiar claim" to take cognisance of such cases, though probably the Secretary of State would generally be desirous of referring such cases to that body. In the case of Willes and Gipps (5 Moore), the then Lord President (the Duke of Buccleuch) and Mr. Gladstone sat on the Judicial Committee upon an Appeal against an Order of Amotion.

I concur in the arguments stated in Sir F. Rogers' Memorandum in *favour* of proceedings by the Governor, subject to a review by the Secretary of State, *or* the Privy Council, and generally in the view so clearly stated in the Memorandum as to the course of proceeding in cases of this nature before the Privy Council.

E. R.

No. 5.

TO THE RIGHT HONOURABLE THE LORDS SPIRITUAL AND TEMPORAL IN PARLIAMENT ASSEMBLED.

The humble PETITION of the undersigned Landowners, Merchants, Traders and others, being inhabitants of Singapore,

SHEWETH: Singapore, 3rd January, 1870.

That the Supreme Court of these Settlements was founded by Royal Charter in 1807, which was extended by another in 1826, and amended by a third in 1855; and that from its first institution until 1867, the Judges held their office in entire independence of the Local Executive, and were responsible solely to the Minister of the Crown.

That under this tenure, which is the same as that of the Judges of the Supreme and High Courts of India to this day, these Settlements possessed, practically, all the advan-

tages enjoyed in England in the tenure of the judicial office ever since the Revolution of 1688.

That under this system, sanctioned by Her Majesty's predecessors and by Her Majesty herself, the administration of justice was always respected, and harmony and good understanding between the Governors and the Judges were rarely disturbed. If the conduct of the latter was ever questioned, it was submitted to a Great Officer of State, who, not mixed up in the controversy and free from all local and personal feelings, decided with impartiality. The Judges, though naturally less experienced than those of the Courts at home in certain details of professional experience, and though their sphere of action was distant from the authority which alone had power to remove them, and though they were exposed to no other criticism than that of a colonial bar, press, and public, were at the same time called upon to administer the law in all its various phases, and in so doing were never found inferior in purity and honour, and were always respected and trusted by all classes as upright and fearless. Much of this respect and confidence was founded on the knowledge that they were independent of the Local Executive, and that they had therefore no motive for fearing or propitiating it.

That upon the transfer of these Settlements to the Colonial Office, in 1867, the Judges became liable to suspension by the Governor, for any cause that might appear to him sufficient, by virtue of a power contained in his Commission, and even to removal by him and the Executive Council, by virtue of the Act of the 22 Geo. 3, c. 75.

That great uneasiness and alarm are felt, quite as much among the various Eastern races as among the British residents of these Settlements, by this alteration. It is opposed to a fundamental principle which has been regarded at home for nearly two centuries, and now also by every other civilised nation, as one of the most solid securities of the liberties of the people; and your Petitioners think that there is no solid reason why the purity and dignity of the judicial office should be less jealously guarded here. They regret and fear this change further, because they have reason to believe that the system now introduced is prejudicial to the Colonies in which it is in force. They believe that any suspension of a Judge by the Local Executive must be detrimental to the community where it takes place, by impairing the public confidence in the executive or in the judicial authority, by lowering the position of the Judge, and by introducing discord between the heads of the two departments.

The means of communication between this Colony and England are now so frequent and rapid, that your Petitioners apprehend no practical inconvenience from any delay likely to arise from referring the conduct of a Judge directly to the Secretary of State. But they consider that any delay would be a much lesser evil than the loss of judicial independence: not only would a local scandal be avoided, but the decision of the Minister would be accepted with respect and confidence, besides having the incidental advantage of being at once final.

Your Petitioners believe that the form of corruption to which Judges are in these times exposed is that which is effected not by vulgar bribery and dishonesty, but by fear or favour; and to place Judges in subordination to the Local Executive is to expose them to the influence of such feelings in a manner which may often disastrously affect their judgment.

Deeply impressed with the conviction of the paramount necessity of possessing Judges strongly attached to the principle of independence as the only means of securing them, your Petitioners pray that their Judges may be restored to that position of independence which they held under the Government of India; and that the people of this Colony may have their judicial institutions again placed on a basis to which both reason and experience have taught them to attach the greatest value, and the loss of which they regard as impolitic and deeply injurious to them.

And your Petitioners will ever pray.

(Signed) W. H. READ, Member, Legislative Council.
THOS. SCOTT, „ „ „
W. R. SCOTT, „ „ „
W. ADAMSON, „ „ „
W. CARMICHAEL, Manager, Chartered Bank of India.
JOSE D'ALMEIDA, Consul for Portugal and Brazil, and Justice of the Peace
And by 103 others.

LONDON: PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET AND CHARING CROSS,
FOR HER MAJESTY'S STATIONERY OFFICE.

REPORT

OF THE

C.X.1.61

MIXED COMMISSION

ON THE

CLAIMS OF BRITISH SUBJECTS

AGAINST THE

GOVERNMENT OF VENEZUELA.

Presented to the House of Commons by Command of Her Majesty, in pursuance of their Address dated February 28, 1871.

LONDON:
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RETURN to an Address of the Honourable the House of Commons, dated February 28, 1871;
for—

"Selections from the Report of the Mixed Commission on British Claims in Venezuela of the 21st day of September, 1868."

Mr. Joel to the Earl of Clarendon.—(Received December 13.)

Office of the Commission of Claims,
(Extract.) *Caracas, November* 15, 1869.

I HAVE the honour to transmit herewith my Report of the proceedings of the Mixed Commission and Awards of the Commissioners and Umpires, which amount to 312,587 dollars 2 cents.

Inclosure.

REPORT OF THE PROCEEDINGS AND AWARDS OF THE COMMISSIONERS AND UMPIRES, UNDER THE CONVENTION ENTERED INTO BETWEEN GREAT BRITAIN AND THE UNITED STATES OF VENEZUELA, SEPTEMBER 21, 1868, FOR THE ADJUDICATION OF PENDING CLAIMS OF BRITISH SUBJECTS AGAINST THE GOVERNMENT OF VENEZUELA.

THE undersigned Commissioners under the Convention of the 21st of September 1868, for the adjustment of pending British claims against the Government of Venezuela, herewith respectfully report to their respective Governments their proceedings and awards.

The claims submitted to the Commissioners for their consideration have greatly exceeded the number originally anticipated. The duties of the Commissioners have, therefore, been greatly in excess of what was originally contemplated.

In adjudicating upon the claims submitted to them the Commissioners have been fully sensible of the grave responsibility which devolved upon them, and have, therefore, devoted the most patient labour to their investigation.

The whole of the claims having been submitted on documentary evidence (in some cases of a very voluminous character) they have required a most careful examination, and many of the cases have been the subject of long and serious discussion between the Commissioners.

In reporting the result of their labours and that of the Umpires as the best they [illegible] able to attain in the discharge of the important and responsible duties [illegible] to them, they entertain the hope of obtaining the approval of their respective [illegible]nts.

(Signed) LEWIS JOEL, *British Commissioner.*
JUAN DE D. MENDEZ, *Venezuelan Commissioner.*

Judgment
Mr. L. Agostini, M
Mr. B. Daly, M
Judgment of Ven
Judgment of Brit
Judgment of Ump
Mr. Thomas [illegible]
Judgment of V
Judgment of Brit
Judgment of Umpi
Mrs. Laura Stopford, M
Joint Note of the
Claim
Reply of Venezuel

CONVENTION FOR THE SETTLEMENT OF PENDING BRITISH CLAIMS BY A MIXED COMMISSION.

WITH the view of determining the amount of all pending British claims upon the Government of Venezuela, the undersigned, Guillermo Tell Villegas, Minister of Foreign Affairs, duly empowered by his Government, has appointed the citizen, Dr. Juan de Dios Méndez, Commissioner, on the part of the United States of Venezuela; and George Fagan, Her Britannic Majesty's Chargé d'Affaires to the United States of Venezuela, duly empowered by his Government, has appointed Lewis Joel, Esq., Commissioner, on the part of Great Britain, to sit as a Mixed Commission to fix the amount due to those British subjects whose claims have not yet been adjudicated upon.

The Commission above-named shall sit in the city of Carácas after the signature of this agreement.

In case of death, absence, resignation, or incapacity of either of the Commissioners, or in the event of either of them omitting or ceasing to act, the Government of the United States of Venezuela, or the British Chargé d'Affaires at Carácas, shall forthwith proceed to fill the vacancy.

The Commissioners shall appoint some third person as an Arbitrator or Umpire, to decide upon any case or cases concerning which they may disagree, or upon any point of difference that may arise in the course of their proceedings.

If, however, the Commissioners should not be able to agree upon any such third person, they shall each name a person, and in case the Commissioners should differ in opinion with regard to any point, it shall then be determined by lot which of the two persons so named shall be arbitrator or umpire for the decision of that particular point, and so on with regard to any other point or points on which the Commissioners may differ in opinion.

The decision of the Commissioners, or of the Arbitrator or Umpire, shall be given in writing, and shall be signed by them or him respectively.

The two Governments solemnly and sincerely engage to consider the decision of the Commissioners conjointly, or of the Arbitrator or Umpire, as the case may be, as final and conclusive on the questions referred, and to give full effect thereto, without objection or delay.

The Commissioners, and the Arbitrator or Umpire, shall keep an accurate record of their proceedings, with the date thereof, and may, if necessary, appoint and employ a clerk to assist them in the transaction of their business.

Any salary or gratuity paid to the Commissioners shall be defrayed by their respective Governments. Any salary or gratuity paid to the Arbitrator or Umpire, and the clerk, and any contingent expenses shall be defrayed in moieties by the respective Governments.

The present arrangement, as well as the awards made in virtue thereof either by the Commission or the Umpire, shall be submitted for approval to the Venezuelan National Legislature.

In witness thereof the respective Contracting parties have hereunto set their hands and affixed their seals at Carácas, this twenty-first day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

(L.S.) (Signed) GEORGE FAGAN.
(L.S.) (Signed) GUILLO. TELL VILLEGAS.

COMMISSION OF THE COMMISSIONER ON THE PART OF GREAT BRITAIN.

George Fagan, Esq., Her Britannic Majesty's Chargé d'Affaires to the United States of Venezuela.

KNOW ye that, reposing special trust and confidence in the integrity and abilities of Lewis Joel, Esquire, British Vice-Consul for Ciudad Bolivar, I have, with the authority of Her Britannic Majesty's Government, named, made, constituted, and appointed, and do by these presents, name, make, consitute, and appoint him Commissioner of Great Britain on the subject of Claims, and do authorize and empower him to execute and fulfil the duties of that Office according to law, and to have and to hold the said Office with all the powers, privileges, and emoluments thereunto of right appertaining unto him.

In testimony whereof I have hereunto set my Hand and affixed the Seal of this Legation, this Twenty-first day of September, in the Year of Our Lord, One thousand eight hundred and sixty-eight.

(L.S.) (Signed) GEORGE FAGAN.

THE Commissioners made and signed the following solemn Declaration.—

DECLARATION.

We, the undersigned Commissioners appointed to adjudicate on certain claims of British subjects on the Government of the United States of Venzuela, do severally and solemnly declare that we will impartially and carefully examine and decide to the best of our judgment, and according to justice and equity, without fear, favour, or affection to our own countries, upon all such claims as shall be laid before us on the part of the Government of Her Britannic Majesty and that of the United States of Venezuela.

In witness whereof we have this Twenty-eighth day of September, One thousand eight hundred and sixty-eight, made and subscribed this our solemn Declaration.

(Signed) LEWIS JOEL, *British Commissioner.*
JUAN DE MENDEZ, *Venezuelan Commissioner.*

RECORD OF THE DAILY PROCEEDINGS OF THE COMMISSIONERS, FROM SEPTEMBER 26, 1868, TO NOVEMBER 5, 1869.

September 26, 1868.—The Commissioners met, and appointed Mr. Louis Fagan Clerk to the Commission, and after a short session adjourned till Monday, the 28th instant.

September 28.—The Commissioners met agreeably to adjournment. Mr. Louis Fagan signified his acceptance of the office of Clerk, and signed the following Declaration:—

Declaration.

"Mr. Louis Fagan having been notified on the 26th instant of his having been elected to fill the post of Clerk in these proceedings, he accepted the nomination, and solemnly affirmed that he would conscientiously and faithfully discharge the duties of the post as far as lay within his power. In witness whereof he has signed this Declaration.

(Signed) "LOUIS FAGAN."

After a consultation on the subject of an Arbitrator, the Commissioners adjourned till to-morrow.

September 29.—The Commissoners met, and requested the Clerk to make an alphabetical list of the claims, with a synopsis of their character. The Venezuelan Government not having yet replied to the indication of Her Britannic Majesty's Chargé d'Affaires as to the mode of appointing an Arbitrator to the Commission, it was agreed that the Venezuelan Commissioner should consult with his Government on the subject, and notify the British Commissioner on the next day of meeting.

October 5.—It was agreed that the Commissioners should continue their sessions, and that the question of an Arbitrator should remain in abeyance until the recovery of the Minister of Foreign Affairs of Venezuela, at present confined to his bed by severe illness.

October 7.—The Commissioners attended at the office to transact the business of the Commission. The claim of Schloss and Co. and Michelson was taken up and considered.

October 10.—The Commissioners attended at the office for the despatch of business. The Venezuelan Commissioner handed to the British Commissioner a note, of which the following is a translation:—

"Sir, "*Caracas, October* 9, 1868.

"As the Commissioner on the part of the Government of Venezuela for the examination, in conjunction with you, as the Commissioner on the part of Great Britain, of the claims of British subjects, the Undersigned hereby makes known that he does not believe that the Commission we form can engage in conferences respecting the claims of Messrs. Schloss and Co. and Michelson, arising out of liabilities of the ancient Republic of Colombia, the same having been disacknowledged by the Venezuelan Chamber of Deputies on the 13th of May, 1861, which was communicated to the Honourable F. Doveton Orme in a note of the Minister of Foreign Relations, dated the 18th of July of the same year.

"With sentiments, &c.

(Signed) "JUAN DE D. MENDEZ.

"To Lewis Joel Esq.,
British Commissioner."

The claim of H. Schmale was then taken up and considered.

October 14.—The Commissioners attended for the despatch of business. The British Commissioner handed to the Venezuelan Commissioner a note, of which the following is a copy:—

"Sir, "*Caracas, October* 10, 1868.

"In reply to the note of yesterday's date you this day handed to me, in which you state that you do not believe the Commission we form can engage in conference respecting the claim of Messrs. Schloss and Co. and Michelson, it having been disacknowledged by the Venezuelan Chamber of Deputies on the 13th of May of 1861, I have to place on record my dissent from the opinion you express.

"The decision of the Venezuelan Chamber of Deputies in regard to this claim is

founded upon the fact that it was not presented for recognition to the Plenipotentiaries of New Granada, Equador, and Venezuela, who met in Bogota in the year 1837.

"New Granada, by the subsequent payment of her quota of 50 per cent., has tacitly acknowledged the illegality of the conditions imposed, and the National Congress which ordered this payment has honourably placed on record "that there is no right to refuse to recognize and to pay a debt solely because the creditor had not applied within a time arbitrarily fixed by the debtor.

"No Government has a right to attempt to get rid of its liabilities by superadding to the original contract (by virtue of which it obtained the money from foreigners) an impossible or an impracticable condition, if, indeed, it be entitled, subsequent to the completion of the contract, to make the fulfilment of its contract depend upon any condition which is onerous to the creditor.

"Would it be honourable, or would it be legally possible, for an individual, after he had obtained money upon a contract with certain stipulations, to impose onerous or impracticable conditions upon his creditor, and so free himself of his indebtedness? Can a Government, then, arrogate to itself this power; and is the honour of a nation less sacred than that of an individual?

"The decision of the Venezuelan Chamber of Deputies does not, according to my view, place any impediment to our adjudicating upon this claim. The Commission we form is, in a measure, an International Court of Equity, competent to decide on the moral and equitable obligation of the Government of Venezuela in regard to the claims of British subjects presented to us for adjudication.

"I submit these remarks without prejudice to the claim in question, and I shall furnish Her Majesty's Chargé d'Affaires to Venezuela with a copy of this correspondence, that he may adopt such steps as, under the circumstances, he may deem expedient.

"With sentiments, &c.

(Signed) "LEWIS JOEL.

"To Juan de D. Mendez, Esq.,
Venezuelan Commissioner."

The claim of H. Schmale was laid on one side for the presentation of further documents.

The Commissioners replied to numerous enquiries on the part of claimants.

October 15.—The Venezuelan Commissioner handed the British Commissioner a note, of which the following is a translation:

"Sir, "*Caracas, October* 15, 1868.

"In reply to the note you were pleased to address me on the 10th instant received yesterday, relating to the claim of Messrs. Schloss and Co. and Michelson, I am under the necessity of insisting in the opinion I have already expressed to you.

"It is an affair decided by those holding in Venezuela a higher authority than the Government who have honoured me with their powers, and I shall not be able to engage in conference on the subject without receiving special instructions from my Government, undoubtedly in virtue of further deliberations of the Chamber which sanctioned the negative enactment of 1861.

"With, &c.

(Signed) "JUAN DE D. MENDEZ,
"*Venezuelan Commissioner.*

"To Lewis Joel, Esq.,
British Commissioner."

The claim of Luciano Agostini, and William A. Andral, were submitted to the Commission.

October 16.—The Commission met for the despatch of business. The claim of Charles Joseph Blondel was submitted, and the Commissioners went through the evidence in support of it.

October 17.—The Commissioners attended at the office of the Commission. The Venezuelan Commissioner occupied in making extracts from the papers in support of the claim of Charles J. Blondel.

October 20.—The Commissioners attended at the office of the Commission. The claims of Thomas Bolland and of Joseph R. Hartman, were submitted.

October 21.—Discussion was held upon the merits of the claims under consideration.

In the claim of Thomas Bolland, the Commissioners awarded the sum claimed, viz.

80 pesos, (80 dollars) and interest at the rate of 5 per cent. per annum, from the 2nd day of November 1849.

October 27.—The Commissioners met for the despatch of business. The claims of Edwa d Brandt and Dionisio Pempellone were submitted to the Commission, and the declaration in support of their respective claims read by the Clerk.

October 29.—The Commissioners met for the despatch of business. The claim of Pedro Luques was submitted, and the depositions taken in reference to it read by the Clerk.

November 3.—The Commissioners met for the despatch of business.

November 5.—The Venezuelan Commissioner having expressed his determination not to entertain claims in which the depositions were not taken before the Fiscal, the following correspondence passed before the Commissioners in reference thereto.

(Translation.)

"Sir, "*Caracas, October* 26, 1868.

"With respect to the examination of the depositions based on which the British subjects Messrs. Charles J. Blondel and J. R. Hartman claim, the former 12,000 and the latter 3,000 pesos, for losses by the war of the Federation, I feel it my duty to address to you this note which, I consider important towards expediting the business confided to us.

"If in law-suits personal evidence is precarious and suspicious, notwithstanding the vigilance of the interested parties, and the imminent responsibility of the Judges, what moral force can such evidence have when taken without intervention of the defendant, when the complainant does everything, avoiding the intervention of the employé, who is charged with the rightful representation and defence of the nation, and avoiding also the practice of every formality that might neutralize his purposes.

"Claims against the Government for losses occasioned by revolutions are proved either by a suit before a Court in the ordinary way, or in conformity with the legal prescriptions respecting public credit, prescriptions which, having been assimilated to the common legal proceedings, arrive at obtaining the compensation claimed in an easy and more eonomical manner, while offering at the same time both to the Government and to the claimant the guaranty of defence. For is it just that with personal evidence taken before Judges at a time, in places, and under other circumstances all exclusively favourable to the claimant, the Government should accept and pay obligations, perhaps imaginary? And with respect to foreigners, when these allege their character as such in order not to be subject to, and fulfil the said prescriptions, under what title can they claim rights and guaranties, at the same time that they disacknowledge the duties and deny to the nation its guaranties? How can they demand a protection beyond the pale of the law, or since when has obedience to the law been discretional to foreigners?

"Based on justice, and following closely the forms for the protection of right before the tribunals, have the dispositions respecting proofs been established in the Law of Public Credit of the 13th June 1865, and in its reglamentary Decree of the 19th of the same month, as well as in the Executive Resolutions on the subject of the 8th August, 2nd, 5th, and 27th of September of the same year.

"For my part I have to place here on record my resolution not to lend myself to the examination of evidence of claims in the preparation of which (as in the above mentioned ones) the legal dispositions which constitute the guaranty of the defence should not have been observed.

"The Republic has a full conviction of its right on this point, and has always frankly stated it.

"I have, &c.

"To Lewis Joel, Esq., (Signed) "Juan de D. Mendoza

British Commissioner."

"Sir, "*Caracas, October* 26, 1868.

"I have received your note of this day's date, and in reply I have to inform you that you have failed, upon your own showing, to justify your objection to the evidence taken in support of the claims of Charles J. Blondel and J. R. Hartman.

"The depositions in the former claim were taken before a competent tribunal in April 1865, the latter in January 1865.

"The law of the 16th of June, 1865, makes it obligatory that depositions in cases of this nature should be taken or ratified in the presence of the Fiscal; but as no law can have a retrospective action, neither the Law of the 16th of June, 1865, the Decree of the

19th of the same month, the Resolutions of the Executive of the 8th of August, 2nd, 5th, and 27th of September of the same year, can affect the claims in question.

"I have, &c.

(Signed) "LEWIS JOEL, *British Commissioner.*

"Señor Juan de D. Mendez,
&c. &c. &c."

(Translation.)

"Sir, "*Caracas, October* 29, 1868.

"On the 27th instant I received the note you were pleased to address to me, dated the 26th, in reply to mine of the same date, relating to the claims of British subjects which may be in the same case as those of Messrs. Blondel and Hartman.

"Proofs of claims which, prior to the Law on Public Credit of the 16th of June, 1869, the Decree containing its rules of the 19th of the same month, and the consecutive Executive Resolutions already alluded to, should have been made out without some Fiscal of the nation having been present, or at least cited, or the Treasurer resident in the capital of the province, who was the real Fiscal, according to the Decree of the 24th of June, 1858, such proofs have never been available to establish rights against the nation.

"But in the hypothesis that such evidence should at any time have been considered available by the claimants, it is a fact that if no steps have since been taken to ratify the proofs comprised therein, in conformity with the above-mentioned prescriptions respecting Public Credit, they are likewise worthless at present.

"With respect to your observation that the law and consecutive enactments on Public Credit in question cannot have effect on cases of claims prior to them, I beg to add that the principles of universal legislation accept the retroactiveness of laws in respect to judicial proceedings; and the Constitution of Venezuela thus acknowledges it in Article LX, and the citation of the Defendant being the first of judicial forms which guarantee the rights of citizens. Blessed is the retroactiveness (if such it be) of the law, which aims at obtaining the precious guaranty of defence in the formality of the proofs being ratified with the interested party, or his lawful representative present.

"And, in effect, if the demand for compensation on the part of the stranger is just when prejudiced by the deficiency of legal forms, no less is the resistance of a Government to accept as a condemnatory sentence proceedings taken without the intervention of their lawful representatives.

"I have, &c.

"To Lewis Joel, Esq., (Signed) "JUAN DE D. MENDEZ.
British Commissioner."

"Sir, "*Caracas, November* 3, 1868.

"In reply to your note of the 29th ultimo, I have to observe that your remarks in reference to the depositions taken in support of the claims of Charles J. Blondel and Joseph R. Hartman are but a reiteration of those contained in your letter of the 26th ultimo, without citing any further authority than the Decree of the 24th of June, 1858, and Article LX of the Constitution.

"The Decree of the 24th June, 1858, creating the Treasurer resident in the capital of the provinces the Fiscal of the Government, in no way affects the point under discussion, which is simply whether the Law of the 16th June, 1865, can have a retrospective action.

"You say 'the principles of universal legislation accept the retroactiveness of laws in respect to judicial proceedings, and the Constitution of Venezuela thus acknowledges it in Article LX.'

"Your first statement is as new to me as it is fallacious and utterly untenable, and Article LX of the Constitution which reads as follows:—

"'No legislative order can have a retroactive effect except in the matter of judicial proceedings in which minor penalties are inflicted, instead of sustaining you in the position you have taken, is irrefragable evidence of the correctness of my views.'

"The inclosed copy of a document recently placed in my hands, and of which the full [illegible] translation, is a practical proof of the fallacy of your arguments.

"'*Circuit Court of the Parish of Cathedral,*
Caracas, July 16, 1864.

"The Citizen National Treasurer is hereby again notified that Thursday the 21st instant, between 8 and 10 A.M., is the day and hour appointed for the examination of the

witnesses in the suit instituted by J. R. Hartman to prove losses occasioned. He shall sign the present notification

"'The Judge,
(Signed) "'CORREA.'

"'Notified; but I must observe that these are not attributions of mine according to the existing Decree.

(Signed) "'RUIZ.'

"Here is one of the very cases in question; the National Treasurer is cited to appear, and he declines, 'because it is not one of his attributions according to the existing Decree.'

"As you have failed to show that you are sustained by law in the determination you have expressed not to examine claims in which the depositions were not taken before the Fiscal, I must insist that claims (as in the case of Blondel and Hartman) supported by depositions taken before a competent tribunal anterior to the 16th of June, 1865, must be admitted and considered on their merits.

"I have, &c.
(Signed) "LEWIS JOEL, *British Commissioner.*

"Dr. Juan de Mendez,
&c. &c. &c."

November 11.—The Venezuelan Commissioner handed the following note to the British Commissioner.

(Translation.)

"Sir, "*Caracas, November* 10, 1868.

"I reply to your note of the 3rd, received on the 5th instant.

"Although the point respecting retroactive effects of the law and subsequent resolutions of 1865 on Public Credit is of no importance at all against the Republic, as we shall soon see, I cannot refrain from objecting to your impression that to only that point has our discussion been reduced respecting testimonies taken prior to the said law. No; my having cited the Decree of the 28th of June, 1858, in the Vth Article of which the Treasurers of the provinces were recognized as *de facto* Fiscals of the Public Treasury, and were allowed to represent judicially in the absence of Fiscals specially appointed, was expressly more fully to demonstrate the correctness and justice of my observations in the note of the 26th of October last, respecting testimonies taken without the intervention of the lawful representative of the Treasury.

"I have stated and now further specify that the abovementioned Law on Public Credit in its prescriptions respecting testimonies or proofs wherewith to claim from the Government amounts taken for the public service, has been no less binding on the Government than on natives or foreigners who have accepted the benefits it accords, enabling them to establish their proofs in a manner less expensive and less subject to complications than in a suit at law, and always provided that certain prescriptions which it establishes in favour of the National Treasury be respected and complied with, the same not to be declined, for as much as they constituted the sacred right of defence, in order to arrive at the truth by a frank dilucidation of the facts; amongst them, being very remarkable that relative to the ratifying of previously taken certificates and testimonies in the presence of the Procureur National or of the Fiscal of the National Revenue, accordingly as the goods which are the subject of the proofs should have existed in territory of any of the States, or in that of the Federal District, as it is eminently just and in conformity with the dispositions of the Law on Judicial Proceedings, which does not allow of certificates or testimonies taken beforehand.

"This being, as it truly is, correct, and it being no less exact that prior to that Law on Public Credit there are no laws, excepting the law of Judicial Proceedings in common suits, on the authority of which such proofs could have, validly, been established and which, now presented to the Commission we form, should be admitted 'on their merits' as you say, I ask, whence are derived the merits of these testimonies taken prior to that law, the rightful Representative of the National Finances not being present? What rights can there be acquired by them against the nation? Against what other legal effects, conculcating rights, are those of the Law of 1865 opposed in the matter of testimonies? And finally, is it a matter of doubt that the nation can sanction adjective laws in affairs of Government or justice? Frankly, Sir, I do not see in all this any other retroactive effects than those which constantly arise out of the condition of a foreigner in

this country, against those of the laws which establish the forms for the protection of right to all.

"Your observation that you have found my quotation of Article 60 of the Constitution of Venezuela as proving contrarywise, and the excuse given by the Treasurer of Carácas for not being present at the examination of witnesses in July 1864, in virtue of that act not being one of his attributions, is not of the slightest weight. As to the former, the version you give of the Constitutional Article, thus:—'No Legislative order can have a retroactive effect, except in the matter of judicial proceedings, and that (order) which inflicts a minor penalty,' and the latter justifying the excuse of the Treasurer, as in reality he was not the person called upon to interfere in such matters, but the Fiscal of the nation in this capital.

"I had not the honour of replying to your note of the 3rd instant ere this, from indisposition.

"I have, &c.
(Signed) "JUAN DE D. MENDEZ,
"*Venezuelan Commissioner.*

"To Lewis Joel, Esq.,
&c. &c. &c."

The Commissioners then conferred together on the appointment of an Umpire, Mr. Jöel proposed Mr. Leal, Minister Plenipotentiary of His Majesty the Emperor of Brazil, to whom Dr. Méndez objected, and after a long discussion the subject was adjourned until the next meeting.

November 13.—The Venezuelan Commissioner proposed Señor Felipe S. Casanova as Umpire, to whom Mr. Joel objected on the grounds that he did not think it proper that a Venezuelan should be appointed Umpire to adjudicate upon the claims of British subjects against his own Government. Mr. Joel then suggested to Dr. Méndez that he should name a member of the Diplomatic Corps. Dr. Méndez asked him until to-morrow to consider the matter.

November 14.—The question of an Umpire was again considered. The British Commissioner proposed Mr. Stürüp, Consul-General for Denmark, to whom Dr. Méndez objected. Dr. Méndez then proposed Señor Juan José Mendoza, to whom Mr. Joel objected for the same reasons as stated on the nomination of Señor Casanova. Dr. Méndez then proposed that each should name an Umpire, one to be elected by lot in each case, agreeably with Article 4 of the Convention. Mr. Joel objected to this at this early stage. Dr. Méndez then stated as his opinion that no question should be referred to the Umpire but that of simply the amount to be awarded in each case referred. Mr. Joel stated that the question before the Commission was simply the appointment of an Umpire. After some further discussion in the matter the Commissioners adjourned.

November 16.—The British Commissioner received the following note from the Venezuelan Commissioner:—

(Translation.)
"Sir, "*Caracas, November* 16, 1868.

"As we have not been able to agree respecting the nomination of an Umpire for the purposes of the 3rd clause of the Diplomatic Convention, which has established the Commission we form, I judge that the case has arrived provided for in the 4th clause of the said Convention; and in order that the business of the Commission be not stopped, I propose to you that we should each proceed to name a person, eligible by lot, to decide the particular point that may occur in which we may not agree, the same proceeding being adopted in future with respect to any other point or points in which we may disagree.

I have, &c.
(Signed) "JUAN DE D. MENDEZ,
"*Venezuelan Commissioner.*

"To Lewis Joel, Esq.,
British Commisssioner."

November 17.—The British Commissioner sent the following reply to the Venezuelan Commissioner:—

"Sir, "*Caracas, November* 16, 1868.

"I beg to acknowledge the receipt of your note of this day's date in which you give me to understand, as we have not been able to agree upon the nomination of an

Umpire, you judge that the time has arrived when we should each name a person, to be determined by lot, which of the two so named shall be arbitrator in each particular case, agreeably with the 4th clause of the Convention.

"In reply, I beg to state that I cannot agree with you, considering that so far, I have only proposed to you Mr. Leal, Minister Plenipotentiary of His Majesty the Emperor of Brazil, and Mr. Stürüp Consul-General for Denmark, to each of whom you objected without assigning any reason, whilst on your part you have named but one person, Señor F. S. Casanova, to whom I objected because I did not think it proper that a Venezuelan should be appointed Umpire to decide upon the claims of British subjects against his own Government.

"Our earnest aim should be to constitute a Tribunal, by the appointment of an Umpire, standing in a just and equal position between your Government and the claimants, to adjudicate upon such matters as may be referred to him, and a failure to do this is substantially a failure of the great object of the Convention.

"A disagreement as to the person who shall be selected as the umpire; and the necessity of resorting to the contingency of lot, to constitute one in any given case, must greatly detract from the moral effect of any decisions made by the Commission.

"If the Commissioners disagree as to persons, a subsequent selection of either of these persons by lot necessarily constitutes an unequal and unjust Tribunal.

"If the Commissioners disagree from any cause, the Tribunal is necessarily constituted (by the decision by lot) of a person unsatisfactory to one or other of the Commissioners; and an adverse decision, whether right or wrong, would eventually carry to the claimants an impression that their cause was lost not from want of its justice but from want of a fairly constituted Tribunal.

"The selection of an Umpire is of vital importance to the claimants, and I consider that he should be a person of position, and of established reputation for integrity and impartiality, possessing a knowledge of both languages (English and Spanish). These attributes are essential to the proper discharge of the duties that will devolve upon him, and to a satisfactory conclusion of the business of the Commission.

"Under these circumstances it is of the highest importance that the Commissioners should agree upon one person; and, to effect this, should adopt such principles in their selection as will insure the appointment of an Umpire impartially situated between your Government and the claimants, not merely nominally, but actually so.

"For these reasons, and considering that but three persons have so far been named on both sides, I object to have recourse to Article IV of the Convention, as there are yet many members of the Diplomatic and Consular Corps thoroughly competent to fill the position of Umpire; and until I have exhausted these names, and those of foreign residents (not British subjects), whom I consider to be eligible for the post, I shall decline to have recourse to the decision by lot of any question that may arise between us.

"With respect to your observation as to expediting the business of the Commission, I beg to state that I think this object will be best attained by avoiding, so far as possible in the future, the recourse to epistolary correspondence.

"I have, &c.

(Signed) "LEWIS JOEL, *British Commissioner.*

"To Señor Juan de D. Mendez,
Venezuelan Commissioner."

November 18.—The question of the appointment of an Umpire was again discussed. The Venezuelan Commissioner expressed his determination not to accept any member of the Diplomatic or Consular Corps, or any foreigner, no matter what his nationality; that he would only acept a Venezuelan, and that he would at the next meeting hand in a list of eminent Venezuelans competent to fill that position.

The claim of Luis Francisco Coudrey for 618 dollars 50 cents was submitted, and the papers in reference thereto read by the Clerk. Claim disallowed.

November 19.—The Venezuelan Commissioner handed to the British Commissioner the following note:—

(Translation.)

"Sir, "*Caracas, November* 17, 1868.

"I must reply, if but briefly, to your note of yesterday's date; and, at the same time, I beg to suggest to you a way of resolving easily the question of appointment of an Umpire.

"In fact, Mr. Leal, the Brazilian Minister, and Mr. Stürrup, the Danish Consul-

were successively named by you, and by me Mr. F. S. Casanova, and (I am in duty bound to remind you of it) Mr. Juan José Mendoza as candidates to be the Umpire; and, truly, neither would you accept the selection of a Venezuelan, nor I that of a foreigner. In this case it was logical to believe that we should proceed to comply with what is stipulated in the 4th clause of the Convention.

"I therefore judge that without prejudice to the rights we have by the said 4th clause, we might agree as to the person which each of us would name for the choice by lot, by our reciprocally presenting to one another a list composed of at least twelve candidates. I believe, Sir, this is a course acceptable under all points of view with the only condition (always supposed) that the lists be composed of names of persons of indisputable integrity and honourable antecedents.

"I highly consider and appreciate the observation you are pleased to make to me towards the end of your note, but I shall not fail to make use of epistolary correspondence whenever I consider it of importance.

"I have, &c.

(Signed) "JUAN DE D. MENDEZ,

"To Lewis Joel. Esq., *"Venezuelan Commissioner.*

British Commissioner."

The claim of Antonio Julius Cepriani was submitted, and the various documents and depositions in support of this claim were read by the Clerk.

November 21.—The Commissioners met for the despatch of business. The claim of Luis L. Delgresse was submitted, and the depositions in support of the claim read by the Clerk.

November 23.—The Commissioners met for the despatch of business. The British Commissioner proposed Baron von Grabow, the newly-appointed Chargé d'Affaires from the North German Confederation to the Government of Venezuela, as Umpire, which nomination was not accepted by the Venezuelan Commissioner. The Venezuelan Commissioner then presented a list of twelve persons (all Venezuelans), amongst whom were ex-Ministers of State and of the Supreme Court. After a long conference on this subject, and it being evident that the Commissioners could not agree upon the nomination of one person as Umpire, it was naturally agreed, agreeably with Article IV of the Convention, that each should name an Umpire, one of the two so named to be elected by lot in each particular case in which the Commissioners may disagree. The British Commissioner named Mr. Leal, Minister Plenipotentiary of His Majesty the Emperor of Brazil, and the Venezuelan Commissioner named Señor Guillermo Tribarren Mora, ex-Minister of State.

The claims of Cesarini Dumaine and Ramon Infante were submitted, and the papers in reference thereto read by the Clerk.

November 25.—The Commissioners met for the despatch of business. After a conference it was agreed that the following note should be sent by the British Commissioner to Mr. Leal, and by the Venezuelan Commissioner to Señor Mora:—

"Sir, "*Caracas, November* 25, 1868.

"I beg to inclose for your information a copy of the Convention for the adjustment of pending British claims against the Government of Venezuela.

"Having been appointed Commissioner on the part of Great Britain, I have earnestly endeavoured, but to my deep regret in vain, to fix upon a person as Umpire, mutually agreeable to my colleague, the Commissioner on the part of Venezuela and myself, possessing the requisites of high position, unimpeachable character, and strict impartiality.

"It has consequently become necessary to have recourse to the IVth Article of the Convention, which provides for this contingency by authorizing each Commissioner to name an Umpire, one of the two so named to be elected by lot in each particular case in which the Commissioner may disagree.

"Your exalted position, great experience, and irreproachable character, have caused me to name you as Umpire on my part, and I cannot but think that your acceptance of [illegible] will be a source of satisfaction to the claimants, to my Government, and to the [illegible]ment of Venezuela.

"I should esteem an early answer a personal favour, as in the event of your declining the appointment (a contingency which I trust will not arise), a new nomination on my part will become necessary.

"I have, &c.

"To His Excellency F. Leal, (Signed) "LEWIS JOEL.

&c. &c. &c."

November 26.—The Commissioners met for the despatch of business.

November 28.—The claim of Philip William was submitted to the Commissioners, and the documents in proof of the same read by the Clerk.

The following letter was received from Mr. Leal, declining the appointment of Umpire:—

(Translation.) "*Imperial Legation of Brazil in Venezuela,*

"Illustrious Sir, "*Sans Souci, November* 27, 1868.

"I have just had the honour of receiving the despatch which, under the date of the 25th instant you were pleased to address to me, and in compliance with your wishes, I hasten to inform you that when I verbally declared to my honourable colleague, Mr. George Fagan, that in consideration of the amicable relations existing between Brazil, Great Britain, and Venezuela, I would accept the honourable, as it is delicate charge of being the Umpire in the disagreements which might by chance occur between the Commissioners appointed for the adjustment of the claims of Her Britannic Majesty's subjects against the United States of Venezuela, I based my acceptance on the exclusive hypothesis that both Governments, or their Commissioners, should, in accord, have been disposed to confide their possible disagreements to the Brazilian Diplomatist who, at various periods, and repeatedly, was so fortunate as to lend successfully his good offices and mediation in grave matters wherein the honour and dignity of this Republic were engaged.

"But since one of the Commissioners of the contracting parties believes that justice and the interests of his country are better considered by having recourse to the IVth Article of the Convention, copy of which your Excellency has been so good as to send to me, the principal basis for my acceptance no longer exists, and your Excellency cannot be surprised that I should, in this new contingency, decline the honour and confidence with which I am favoured by the agent of Her Britannic Majesty.

"Most sincerely hoping that the enlightened Commissioners of the two nations friendly to Brazil may not be under the necessity of appealing to the Arbitrator they may elect, and that in such a case their decision (as it is to be expected) may be so just, equitable, and suitable as to satisfy all the interested parties, it remains to me to avail myself of the opportunity to assure your Excellency of my eternal gratitude for the confidence with which you have honoured me, and to renew to your Excellency the assurances, &c.

"To Lewis Joel, Esq., (Signed) "FELIPPE JOSE PERA. LEAL.
British Commissioner."

November 30.—The claim of Michael O'Callaghan was submitted to the Commission, and the documents in support of the same read by the Clerk.

The British Commissioner named Mr. William Stürup, Consul-General for Denmark, as Umpire on his part, and the following letter, tendering him the appointment, was transmitted to him:—

"Sir, "*Caracas, November* 30, 1868.

"I have the honour to inclose copy of the Convention for the adjustment of pending British claims against the Government of Venezuela.

"As Commissioner on the part of Great Britain I have strenuously endeavoured to fix upon a person as Umpire mutually agreeable to the Commissioner on the part of Venezuela and myself, possessing the requisites of high position, unimpeachable character, and strict impartiality, but to my deep regret in vain. It has, therefore, become necessary to have recourse to the IVth Article of the Convention, which provides for this contingency by authorizing each Commissioner to name an Umpire, one of the two so named to be elected by lot in each particular case in which the Commissioners may disagree.

"The high official position you hold, the duties of which you have for so many years discharged with so much dignity, and your established reputation for integrity and impartiality, have induced me to name you as Umpire on my part, believing that your acceptance of this office will be a source of satisfaction to the claimants, to my Government, and to the Government of Venezuela.

"I shall esteem an early reply a personal favour, as in the event of your declining the appointment (a contingency which I sincerely trust will not arise), a new nomination on my part will be necessary.

"I have, &c.

(Signed) "LEWIS JOEL, *British Commissioner.*

"To William Stürup, Esq.,
Consul-General for Denmark."

December 2.—The Commissioners met for the despatch of business. The claim of Colin Campbell was submitted, and the papers in reference thereto read by the Clerk.

December 5.—The claim of Dr. H. Segur was submitted to the Commission, and the documents in reference thereto read by the Clerk.

The following letter was received from Señor Guillermo Yribarren Mora, accepting the post of Arbitrator or Umpire to the Commission:—

"Sir, "*Caracas, November* 30, 1868.

"I have read your note of the 25th of this month, handed to me by you on the evening of the 27th, in which you are pleased to acquaint me with your wishes that I should accept the nomination with which you have honoured me as Arbitrator on your part, in such cases as are provided for in the 4th Article of the Convention relating to the Mixed Commission, copy of which Convention you inclose; and, in reply, I beg to state that I accept with the greatest pleasure the honourable charge you have been so good as to confide in me, the duties of which I will endeavour to fulfil in a manner worthy of its sacred aim at justice and harmony between the two countries, and of the confidence placed in me.

"With, &c.

(Sisned) "Guillo. Yribarren Mora.

"To Dr. Juan de D. Mendez,
Venezuelan Commissioner."

The following letter was received from William Stürup, Esq., accepting the post of Arbitrator or Umpire to the Commission:—

"*Danish Consulate-General, Caracas,*

"Sir, *December* 2, 1868.

"I have had the honour to receive your much-esteemed note of the 30th ultimo, accompanied by a copy of the Convention dated September 21st, for the adjustment of pending British claims against the Government of Venezuela.

"You request me by the said note to act as Umpire, in accordance with clause fourth of the Convention, for the decision of such points that you and the Venezuelan Commissioner may not be able to agree upon; and, in reply, I beg to state that, considering it an honour to have been selected by you for deciding the important questions that may arise during the discussions of the Commissioners, and being, as I am, desirous that due justice should be conceded to British subjects, I accept the said position, and shall do the utmost in my power to award an equitable settlement.

"The friendly relations which fortunately exist between my Government and that of Great Britain is another motive for me to embrace with pleasure an opportunity for being useful to British interests.

"I have, &c.

"To Lewis Joel, Esq., (Signed) "Guillo. Sturup.
British Commissioner."

December 7.—The claim of José Trinidad de Castillo was submitted to the Commission, and the papers in reference thereto read by the Clerk.

The following letter was sent by the Venezuelan Commissioner to the British Commissioner:—

(Translation.)

"Sir, "*Caracas, December* 11, 1868.

"The admissibility by the Mixed Commission (for the effects stated in the Diplomatic Convention which created it) of documents consisting of depositions of witnesses taken, or certificates issued, without the intervention of a legitimate representative of the nation, and, at all events, not ratified in presence of the employé to that effect nominated by the National Executive, in conformity with what is prescribed in the 4th rule of the 28th Article of the Law of the 16th of June, 1865, and other resolutions on public credit, dictated by the Executive, is not a subject which ought to be decided by the Arbitrator, who has only to fix the amount or value of each claim when the Commissioners should differ in opinion on that point, whatever the difference may be in the case or cases which may take place. This, taking for granted, which you have not denied, nor could not but acknowledge, that positively there are several depositions and certificates subject to this defect.

"In our case, having recourse to an Arbitrator is similar to that of appealing in cases

of jurisprudence, because of the different manner in which the proofs for the establishment of facts whence right is derived, may be appreciated; always supposing that the case has been instituted or substantiated in conformity with the formalties prescribed by the laws of judicial procedure. Nor is it to be supposed, without offence to the good sense and the decorum and uprightness of the principles of the Contracting Parties, that they should have agreed upon assigning merit, any merit whatever, to every collection of papers appearing in the Chancery of the British Legation, or in the Venezuelan Foreign Office, bearing the title of "claims" given to them by interested parties.

"In fact (puridad), on this subject there is no question between us, as you have circumscribed your reply, in the notes of the 26th of October and 3rd of November last, to upholding that the law, and other resolutions alluded to in public credit, did not affect the depositions taken and certificates issued prior to the said law and resolutions, or what comes to the same, that the said law and resolutions cannot have a retroactive effect, which would be the case if the said depositions and certificates had to be ratified in conformity with the terms of the above-mentioned 4th rule of the 28th Article of the Law on Public Credit of 1865, and other Executive Decrees having reference to it.

"But the question being placed on this footing, since I have upheld and do uphold that depositions taken beforehand are of no value if not ratified in a suit at law, in conformity with the laws of judicial procedure, the nation could well have established as a condition for its responsibility, in the cases alluded to, the formality of ratifying in order to save the ever undeclinable right of defence, I venture to ask:—

"May we submit to the Arbitrator, and can he decide whether the law alluded to is or not of a retroactive effect in the cases in question? And I answer, no, Sir, because, as we have seen, neither the Commissioners nor the Arbitrator can resolve any question that is not reduced to the fixing of the amount of the claims according to the Convention.

"Because the submitting of such a question to the Arbitrator involves the acknowledgment of his having the faculties to decide it.

"Because it being acknowledged that the Arbitrator had such faculty he might decide with his discretional power that the decree of law respecting ratifying was of a retroactive effect, annulling the law thereby.

"Because it can hardly be supposed that the Contracting Parties should have stipulated the possibility of making the law nugatory by an Arbitrator, in defiance of the sovereignty of the nation.

"And because any decision presupposes the faculty in the Arbitrator of interpreting the clauses of the Convention respecting the powers of the Commissioners and his own, when such attributions have not been assigned to him by the Contracting Parties, the only ones called upon to interpret in the form and terms acknowledged by the law of nations.

"I have to state, in conclusion, that under these circumstances there is but one course traced to me by duty, that of insisting upon our frankly delining to take cognizance of the evidence of losses which are said to have taken place between the 20th of February 1859 and the 24th of July 1863 (the period to which No. 1 of the 23rd Article of the Law of Public Credit of 1865 makes reference), which have not been ratified in conformity with what is stipulated in the 4th Rule of the 28th Article of the said Law.

"I harbour the hope that we will thus proceed, such is the confidence I have in your enlightenment, in the characteristic uprightness of the English people, and in the high discretion with which the Agents of that great nation carry on its relations with the incipient South American Republics.

"I have, &c.

(Signed) "JUAN DE D. MENDEZ,

"*Venezuelan Commissioner.*

"To Lewis Joel, Esq.,
British Commissioner."

The following is the reply of the British Commissioner:—

"Sir, "*Caracas, December* 15, 1868.

"I have to acknowledge the receipt of your note of the 11th instant.

"It is so evident that you have determined to maintain that the Law of the 16th of June, 1865, has a retroactive effect, that it would be useless for me to occupy your time or my own in any further correspondence on this subject; but the extraordinary determination you communicate to me not to submit the question for decision by the Umpire leads me to believe that you must be convinced that your position is untenable.

"Had you been named sole arbitrator to decide on these claims your letter would have been a defence or apology, such as it is, for the position you have taken; but, under existing circumstances, your authority being only equal to my own, your arrogating to yourself the right to decide, in opposition to my views, a question vital to so many claimants, and your refusal to submit the point at issue to the decision of the Umpire, is an usurpation of power against which I must in the most solemn manner protest.

"Under the attributions you arrogate to yourself you could to-morrow object to entertain a claim, proved beyond the shadow of a doubt, because the depositions were not taken in red ink instead of black, on blue paper instead of white, or any other pretext equally preposterous, and I should be obliged to submit, having, according to your theory, no remedy or appeal from your decision. Thus your objection, no matter on what grounds, would be fatal to any or all of the claimants. Permit me to ask you if this could have been the intention of the Contracting Parties to the Convention?

"That this was not their intention is clearly proved by the 4th clause of the Convention, which reads as follows:—'The Commissioners shall appoint some third person as an Arbitrator or Umpire to decide upon any case or cases concerning which they may disagree, or upon any point of difference that may arise in the course of their proceedings.'

"The question as to whether or not the Law of the 16th of June, 1865, can have a retroactive effect is 'a point of difference' between us, which, I insist must be submitted for the decision of the Umpire, as I shall continue to insist that any other points of difference that may arise in the course of our proceedings must be so decided.

"If the Law of the 16th of June, 1865, has the effect which your interpretation would give it, how is it that claims adjudicated upon by the Hon. Mr. Edwardes and your Government in November 1865, in which the depositions were taken in the same way as those you refuse to entertain, were not objected to? It is, then, only in 1868 that the convenience of this Law has been ascertained.

"You say, in your communication now before me, 'May we submit to the arbitrator, and can he decide whether the law alluded to is or not of a retroactive effect in the cases in question? and I answer, No, Sir; because, as we have seen, neither the Commissioners nor the Arbitrator can resolve any question that is not reduced to the fixing of the amount of the claims according to the Convention.'

"If our attributions are solely to 'fix the amount,' by what authority do you arrogate to yourself the right to refuse to entertain claims because the depositions were not taken agreeable with your ideas? Our power being limited "to fix the amount," we have no right whatever to enter into discussion on points of law or judicial procedure.

"It will be quite pertinent to the subject if I here repeat what I have on more than one occasion told you verbally, that my Government naturally supposed that claims submitted to this Commission would be investigated and adjudicated upon, on their equity, as is the custom in these cases, and it could not for a moment have been supposed that my offer to determine with you the amount of these claims, guided by the law of reason, should have been met by such obstacles as a want of form in judicial procedure, and the supposed retroactive effect of Venezuelan laws.

"I cannot conclude this communication without expressing my deep regret that the frank and friendly spirit in which I have so often offered to consider with you the equity of these claims, should have met with no reciprocal response from you, and that these offers should have been received on your part with uncompromising hostility.

"I have no recourse but to submit this correspondence for the consideration of Her Majesty's Government; and, pending the receipt of a reply, we can proceed to examine those claims which cannot be affected by the objections you have raised.

"I have, &c.

(Signed) "LEWIS JOEL, *British Commissioner.*

"To Señor Juan de D. Mendez,
"Venezuelan Commissioner."

December 15.—The Commissioners met for the dispatch of business. The claim of Woodbury Brothers was submitted, and the papers read by the Clerk. The claim was admitted.

December 19.—The Commissioners met for the despatch of business. A claim of H. G. Schimmel was submitted, and the depositions in support of it read by the Clerk.

December 21.—The Commissioners met for the despatch of business.

The following correspondence passed between the Commissioners:—

(Translation.)

"Sir, "*Caracas, December* 17, 1868.

"I reply to the note you were pleased to address me on the 14th instant, and which I received on the 15th.

"I have not been able to understand what it is that, in your opinion, I have decided authoritatively. I have only limited myself to opposing the submitting of the case respecting the retroactiveness of the Law on Public Credit of 1865 to the decision of the Arbitrator, as it is to me indisputable that the said question, the same as any other question relating to the extent of the powers we exercise, can only be decided by the Contracting Parties. If I am, therefore, not aware of any other circumstance, and try to find therein, considering it the only source, the true meaning of the Convention, whilst you have thought it can be arrived at in the decision of the Arbitrator, how is it that I arrogate to myself faculties and commit usurpation?

"You observe, if our attributions are solely 'to fix the amount,' by what authority do you arrogate to yourself the right to refuse to entertain claims because the depositions were not taken agreeable with your ideas? Our power being limited "to fix the amount," we have then no right whatever to enter into discussions on points of law or judicial procedure.

"Accordingly in your absolute opinion, be it on account of the extent or restriction, the excess or deficiency of powers, is the phenomenon always to be realized that the Commissioners or the Arbitrator can interpret and decide everything. Behold, Sir, how in the search for reasons you have, perhaps unwittingly, fallen into an absurdity.

"Allow me to state that your views are quite unfounded. In all affairs in which a judgment has to take place for the establishment of a right, we cannot prescind from what is called "*Subjecta materia*;" that is to say, of the logical element which authorizes reasoning, and of the power of the law which authorizes its being carried into effect.

In our case the *subjecta materia* is the circumstance that the proofs of claims, the amount of which you and I must fix, or the Arbitrator, as the case may be, should be substantiated in conformity with law; that is to say, that they be qualified subjects.

"You mention arrangements with the Honourable Mr. Edwardes in November 1865. I am not acquainted with the documentary evidence, and I must suppose there were no difficulties, be it that the fiscal representation was not wanting in the personal evidence, or that the term allotted for ratifying the depositions had not elapsed. But, whatever the circumstances, the argument of analogy is of no importance, as it does not refer to an equal situation to the present, wherein a previous Convention and a Commission *ad hoc* exist, nor does an abuse, if such there was, committed in given cases, by a mandatory, eventually bind the nation with respect to other claims.

"Strange, in reality, is the way in which you apply the principles of equity to the affairs we are engaged with. You believe that out of regard to that equity we should prescind from all forms. That opinion of yours may be very good, and most assuredly it is very convenient to the Claimant's purposes; but if it were brought forward by me in identical demands against the British Government, based upon the wording of the Convention, you would surely object to such an equity as monstrous, and would refuse to acknowlege *in toto* that the Commissioners or the Arbitrator had the right to exercise it; and with superabundance of reason, because, as by the principle of judicial morality '*deceptis non decipientibus jura subvenient*;" fraud in contracts is always understood to be protested against; we must thus understand in the Convention, in honour of those who signed it, all evidence wherein the Government has not been allowed to preserve themselves from fraud, as protested against, no less than against the possibility of the same gaining admission through a positive usurpation of faculties to interpret the extent of the power assigned by the Convention. What sort of equity is this, Sir, which shows itself an irreconcileable enemy to sound reasoning?

"It was not worth while that so simple a matter should have had so lengthy a discussion, and much less that it should engage the attention of the British Government, as you inform me will be the case. It would suffice, as I have before begged to observe to you, that at our request, the Minister of Foreign Relations of the United States of Venezuela, and Her Britannic Majesty's Chargé d'Affaires who signed the Convention, should clearly explain its true meaning in such matters as have been the subjects of difference between us. On this account I have thought proper to accompany herewith, as I do, a formal copy of the decree of the Venezuelan Executive, dated the 1st July, 1865, calling your attention to the peremptory disposition of its IIIrd Article.

"I cannot conclude this note without expressing to you my surprise at the harshness, personal, in which you clothe the arguments addressed to me. It is my impression that

question of this nature should be more abstract, ranging within the neutrality of principles, and never allowed to assume forms which wound our susceptibilities.

"I have, &c.

(Signed) "JUAN DE D. MENDEZ,

"*Venezuelan Commissioner.*

"To Lewis Joel, Esq.,
British Commissioner."

"Sir, "*Caracas, December* 19, 1868.

"Your letter dated the 17th instant was delivered to me yesterday evening, and as my instructions are to concude the business of this Commission with all possible despatch, I must on this occasion also allow you to have (what you appear to be determined to have on every occasion) the benefit of the last reply.

"The object of this communication is a personal matter. It is to state that as my letter to you neither transgressed the bounds of official decorum or legitimate argument, nor contained a single remark of a personal nature, I am at a loss to know how I could have wounded your susceptibilities.

"I copy for your perusal the last paragraph, and the last sentence of the second paragraph of your letter now before me, and beg most respectfully to suggest to you, that for the sake of consistency, you should in future make your practice harmonize with your precepts.

"I have, &c.

(Signed) "LEWIS JOEL, *British Commissioner.*

"'I cannot conclude this note without expressing to you my surprise at the harshness, personal, in which you clothe the arguments addressed to me. It is my impression that questions of this nature should be more abstract, ranging within the neutrality of principles, and never allowed to assume forms which wound our susceptibilities.

"'Behold, Sir, how in the search for reasons you have, perhaps unwittingly, fallen into an absurdity.

* * * * * * *

(Signed) "'JUAN DE D. MENDEZ,

"'*Venezuelan Commissioner.*'

"To Señor Juan de D. Mendez,
Venezuelan Commissioner."

December 23.—The claim of Henry Bresto was submitted to the Commission, and the depositions in support read.

December 28.—A claim of F. Vincent Bonttur was submitted to the Commission, and the depositions read by the Clerk.

December 29.—A claim of H. G. Schimmel was submitted to the Commission, and the papers in reference thereto read by the Clerk.

December 30.—The claim of John Giuseppi was submitted to the Commission, and the depositions taken in support of the claim read by the Clerk.

January 2, 1869.—The Commissioners met for the despatch of business. Dr. Méndez occupied in taking notes from the papers appertaining to the claim of John Giuseppi.

January 4.—The Commissioners met for the despatch of business. The claim of John Giuseppi under consideration.

January 5.—The Commissioners met for the despatch of business.

January 7.—The Commissioners met for the despatch of business. The claim of John Giuseppi was further considered, and the Commissioners not being enabled to agree, it was resolved to submit it for the decision of the Arbitrator. The name of Senor Tribárren Mora was drawn as Arbitrator in this case.

January 8.—A claim of Oliver Romberg, marked No. 1, was submitted to the Commission, and the documents in proof read by the Clerk.

January 9.—The Commissioners met for the despatch of business. A claim of Oliver Romberg, marked No. 2, was submitted, and the papers connected with it read by the Clerk.

January 12.—The Commissioners met for the despatch of business. The two claims of Oliver Romberg under consideration.

January 14.—The Commissioners met for the despatch of business. The claim of Oliver Romberg, marked No. 1, objected to by the Venezuelan Commissioner as being affected by the law of the 16th of June, 1865, and it was placed on one side pending the decision of the objection raised.

(Translation.)

"Sir, "*Caracas, January* 14, 1869.

"The proofs in the documentary evidence, based on which Mr. Oliver Romberg claims something like 20,000 dollars for the value of animals, not having been made out, or in due form at the proper time, and in presence of the *ad hoc* fiscal representative, who was the Procureur National, according to the undeclinable prescriptions of the law, decrees, and resolutions of the Executive on Public Credit of 1865, the said documentary evidence lies under the same conditions as those on the admissibility of which, on the same count, nothing has as yet been decided, either by the Commissioners or by the Contracting Parties who signed the Convention of the 21st of September last.

On this account I have, therefore, to request that you will be pleased to add this claim to the others, which for the said reason have not been adjudicated upon.

(Signed) "JUAN DE D. MENDEZ,

"To Lewis Joel, Esq., "*Venezuelan Commissioner.*

British Commissioner."

January 16.—The Commissioners met for the despatch of business, and not being enabled to agree upon the claim of Oliver Romberg, marked No. 2, it was agreed to refer it for arbitration. The name of Mr. William Stürup was drawn as Arbitrator in this case.

January 18.—The claim of Christian Christopher and James Horne for false imprisonment, and William Thomas for a wound inflicted on him by a soldier, in Ciudad Bolivar, was submitted to the Commission, and the documents in support of the claim read by the Clerk. The Venezuelan Commissioner excused himself from entering upon the merits of this claim, as amongst the authorities of Guayana complained against are the members of the Superior Court, the office of President being filled by his brother. The Venezuelan Commissioner stated that he would request his Government to name another Commissioner to adjudicate upon this claim.

January 19.—The claim of C. W. Baily was submitted to the Commission, and the papers connected therewith read by the Clerk. The claim disallowed by the Commission.

The claim of A. F. André was submitted to the Commission, and the papers connected therewith read by the Clerk. The claim disallowed by the Commission.

January 20.—The Commissioners met for the despatch of business. A representation made by Mr. E. Morales, Danish Vice-Consul at Carupan in favour of a British subject, named José Pierre, from whom a boat had been taken by one of the authorities, was disallowed by the Commission.

January 22.—A claim of Messrs. Gilbert, Kerr and Co., of London, marked A 2 and 3, was presented to the Commission, and the documents relating thereto read by the Clerk.

January 23, 25, and 26.—During these dates the Commissioners attended at the office and heard the reading of the voluminous documentary evidence presented in support of the claim of Francesco Vicente Bonttur for the value of the sloop "Grace" and cargo, and for damages and prejudices sustained by him.

January 27.—The Commissioners met at the office and had a long conference in regard to the claim of Francisco Vicente Bonttur; and not being able to agree it was resolved to submit it for decision by the Arbitrator.

The name of Mr. Iribarren Mora was drawn as Arbitrator.

January 29.—The Commissioners met for the despatch of business. Further documents in reference to the claim of H. Schmale (submitted and considered October 10th, 1868) were presented and read.

The claim is for 6,457 $\frac{44}{100}$ dollars, with interest from the 18th of March, 1862; but as only 7,000 dollars were enjoined in the hands of the Government of Venezuela pending the termination of the suit of Schmale and Müller now terminated, the claim is admitted for the sum enjoined, namely, 7,000 pesos.

February 2.—The claim of Charles David Dunlop was submitted to the Commission, and the papers in reference thereto read by the Clerk.

A claim of Luis Leonardo Delgresse was considered by the Commission. The papers considered by the Hon. Mr. Edwardes and the Venezuelan Government in 1865, together with further documents, were read by the Clerk. The claim was disallowed.

February 5—A claim of J. P. R. Stevenson was submitted to the Commission, and the documents in reference thereto read by the Clerk.

February 6.—The Commissioners met at the office and had a long conference in reference to the claim of J. P. R. Stevenson.

February 11—A claim of M. L. O'Callaghan was presented to the Commission, and the papers in reference thereto read by the Clerk.

February 12.—The Commissioners met for the despatch of business, and held a conference on the claim of M. L. O'Callaghan.

February 13.—A claim of George P. C. Richardson was submitted to the Commission, the documents being simple copies; they were returned to the British Legation with the request that the originals may be submitted.

February 15.—A claim of Lorenzo Ellul was submitted to the Commission and the documents in reference thereto read by the Clerk.

February 16.—A claim of George P. C. Richardson was submitted to the Commission and the documents in reference thereto read by the Clerk.

February 17.—A claim of Mrs. Laura Stopford, widow of the late Colonel Stopford, was presented to the Commission and read by the Clerk. This claim being for service rendered by the late Colonel Stopford in a military capacity to the Republic of Venezuela, the Venezuelan Commissioner expressed his intention of addressing a note to his Government asking for the payment of this claim.

February 18.—A claim of William Robert Smily, executor of the late General D'Evereux, was presented to the Commission. This claim being of the same nature as that of Mrs. Laura Stopford, the Venezuelan Commissioner expressed his intention of addressing his Government on the subject of the payment of this claim.

February 20.—A claim of W. H. L. Lyers was presented to the Commission, and the documents in reference thereto read by the Clerk.

February 23.—Further documents in reference to the claim of H. G. Schimmel, submitted to the Commission on the 19th of December last, were presented to the Commission and read by the Clerk.

February 25.—Further documents in reference to the claim of Lozenzo Ellul, submitted to the Commission on the 15th instant, were presented and read by the Clerk. Claim allowed.

A claim of Henry Fawens was submitted to the Commission, and the papers in reference thereto read by the Clerk. Claim disallowed.

February 26.—The Commissioners met for the despatch of business and held a conference in regard to the additional documents presented in support of the claim of H. G. Schimmel, and it was resolved to return the papers with the following resolution added thereto :—

(Translation.)

"*Office of the Mixed Commission, Caracas,*
"*February* 26, 1869.

"The Undersigned, Commissioners on the part of Great Britain and Venezuela, having had under consideration the additional documents presented by H. G. Schimmel, came to the following resolution:—

"As it is shown by the documentary evidence contained in the certificate issued on the 17th of February, 1868, by the Secretary of the Government of the State Carabobo, that the 447 head of cattle that the nation made use of, taking them off the pasture estate called "El Banco," on the 30th and 31st of January, and the 5th, 7th, and 9th of February of the same year, were the property of the citizen Felipe Yrigoyen, and not of H. G. Schimmel, and Co., nor of H. G. Schimmel, of Puerto Cabello, and that they were supplied by the former to be made good to him by the Minister of Finance, according to the resolution issued on the 12th of February 1868, by the President of the said State of Carabobo, which the interested party consented to, said precedents holding good notwithstanding the depositions taken at the request of the citizen Yrigoyen before the Departmental Judge of Guacara on the 12th of February already cited, at which act, on the other hand, no Representative of the nation was present, and as no connection whatever appears to exist between the 500 head of cattle (which according to a document issued by Yrigoyen in favour of H. G. Schimmel on the 26th of the same January, and acknowledged by him also on the 21st of January last, he, the said Yrigoyen, had sold to Schimmel) and the 447 head of cattle to which the documentary evidence above alluded to makes reference, it is most necessary in order to decide upon the claim of Mr. H. G. Schimmel,

"1st. That the documentary evidence approved of by the Government of Carabobo on the 12th of February, 1868, and accepted by citizen F. Yrigoyen, be declared, by counterproofs, conclusive according to law as null and void, and of no effect in all that respects the rights of property of Yrigoyen to the 447 head of cattle.

"2nd. That the 447 head of cattle which the said proof refers to were part of

the 500 head of cattle bought from Yrigoyen by H. G. Schimmel on the 26th of January, 1868; and

"3rd. That the said 447 head of cattle were taken for the public service without the knowledge and consent of H. G. Schimmel, since no protest or any demonstration whatever in due opportunity on his part or on that of citizen Yrigoyen appears to show that the authorities, civil or military, acted without the consent of either the one or the other.

"All with a lawful Representative of the Nation present.

(Signed) "LEWIS JOEL, *British Commissioner.*

"JUAN DE D. MENDEZ, *Venezuelan Commissioner.*"

Febrary 27.—A claim of J. P. R. Stevenson, marked No. 2, was presented to the Commission, and the documents in reference thereto read by the Clerk.

March 2.—In regard to the claims of Mrs. Laura Stopford and the executor of the late General D'Evereux it was resolved that the Commissioners should address a joint note to the Venezuelan Government in reference to their payment.

March 3.—Two claims of Joseph Jelleret were submitted to the Commission, and the documents in reference thereto read by the Clerk.

March 9 *to* 12.—The Commissioners were occupied during these dates in hearing the reading by the Clerk of the voluminous papers in regard to the claim of George Treviranus.

March 15.—The Commissioners met for the despatch of business, and had a long conference and discussion in regard to the claim of George Treviranus.

March 16.—The Commissioners met for the despatch of business.

In the claim of Oliver Romberg, the Umpire awarded the sum of 2750 pesos, with such interest as may be hereafter established, to count from the 15th of March, 1869.

March 17.—The Commissioners met for the despatch of business, and had a long conference and discussion in regard to various claims.

March 19.—The Commissioners met for the despatch of business.

In regard to the claim of John Giuseppi the following note was received from the Umpire:—

"*Caracas. March* 17, 1869.

"To Lewis Joel, Esq., British Commissioner in the Mixed Commission of British claims on Venezuela.

"Sir,

"The note you did me the honour to address to me, under the date of the 13th of January ult., together with the record ("expediente)" of Mr. John Giuseppi's claim, composed of twenty-six double folios, numbered in writing, and the statement of your views in reference thereto, I received in the afternoon of the 15th of the said month.

"I have devoted to Mr. Giuseppi's case, as contained and shown forth in the above-stated record, all the consideration it has been my duty to do, and which its character and importance demanded.

"Mr. Giuseppi has sought to establish by the evidence on the interrogatory of ten witnesses, instituted by his attorney and brother-in-law, Señor Pacifico Monagas, on the 12th of July, 1865, before the Departmental Judge, at the City of Barcelona, four points on which to ground and make good his claims:—

"1. That in the year 1859, on the breaking out of the Federal movement in the State of Barcelona, he possessed on the cattle estate ("hato"), denominated El Roble, of his father-in-law, the late General José Tadeo Monagas, situated in the said State, a certain number of horses and mares, with colts and fillies, of various ages, as enumerated in the second particular of the aforementioned interrogatory.

"2. That the forces of the belligerent parties did arbitrarily dispose of the said animals.

"3. That the said animals were, at the period mentioned, worth the ordinary prices set forth in the third particular of the before-stated interrogatory.

"4. That none of the animals thus taken away from him have been found by him.

"Mr. Giuseppi enumerates 556 animals altogether, between horses and mares, and colts and fillies, ranging from one to three years old, which, at the prices affixed by him to the different classes, constituted a total value of, say 24,375 dollars of our currency.

"To the best of my judgment, deliberately and faithfully formed, and anxiously weighed; by the evidence adduced by Mr. Giuseppi, given before a competent legal Tribunal, and in the case of eight of the ten witnesses submitted to cross-examination by

the National Procurator in the State of Barcelona, acting expressly in virtue of the law on the subject of such claims, to watch over and protect the interests of the nation, it has been fully established and proved:—

"1. That Mr. Giuseppi did, at the time and place stated, possess a considerable number of animals of the classes and ages described; the term of a 'considerable number,' as used and applied in evideuce legitimately, admitting and comprehending to the full the number stated by Mr. Giuseppi, notwithstanding, the evidence would not bear me out to the admission of the exact and specific numbers so stated and claimed by him.

"2. That, that 'considerable number of animals' was directly and indirectly disposed of, and brought to destruction by the action of the belligerent or contending parties, as stated; for although it might be alleged that these could make use only of the full-grown and serviceable animals for the purposes of actual warfare, they are, nevertheless, justly to be considered responsible for the loss of the rest, owing to the flight of the persons in charge of the property where the animals existed, and the consequent abandonment, dispersion, and neglect of that part of the stock requiring care and protection.

"3. That the prices set forth by Mr. Giuseppi were, more or less, such as ruled at the period stated.

"Mr. Giuseppi's fourth point is of a most delicate nature, and one not admitting of conclusive proof by the evidence produced, and consequently it has failed to be proved to my satisfaction.

"In consequence, therefore, of the foregoing considerations and conclusions, and of others which I do not deem it necessary to register, but which I should be glad of an opportunity of stating to yourself and colleague, my award is:—

"That, Mr. Giuseppi having established and proved those grounds or titles, as just admitted and defined by me, to compensation for his losses, the Commissioners do proceed to meet Mr. Giuseppi on these grounds or titles, and grant him fair and equitable compensation for such losses.

"This, Sir, is my award conscientiously arrived at, and to the best of my knowledge and ability, and under the most sincere desire that it may be considered and accepted as a just and satisfactory one by the parties interested.

"I return herewith Mr. Giuseppi's record or 'expediente,' as described at the commencement of this communication, and have the honour to be, &c.

(Signed) "Guillo. Yribarren Mora."

March 22.—The Commissioners met for the dispatch of business, and had a long conference and discussion in regard to the claim of John Giusseppi; and, being unable to agree, it was resolved to return the papers to the Umpire, with the following note:—

"*Office of the Commission of Claims,*
"*Caracas, March* 22, 1869.

"The Undersigned, Commissioners of the Mixed, British, and Venezuelan Commission, for the adjudication of the British claims pending against the Government of Venezuela, beg to acknowledge the receipt of the note which Señor Guillermo Yribarren Mora addressed to them severally on the 17th instant, communicating his opinion in regard to the claim of Mr. John Giuseppi. After a long conference in reference thereto, the same difference of opinion existing as when the claim was referred for arbitration, they have the honour to return to Señor Guillermo Yribarren Mora the documents relating to the case for his final award.

"The Undersigned avail themselves of this opportunity to renew to Señor Guillermo Yribarren Mora the assurances of their distinguished consideration.

(Signed) "Lewis Joel, *British Commissioner.*
"Juan de D. Mendez, *Venezuelan Commissioner.*"

The claim of Francisco Bonttur for 90 pesos, value of two asses, allowed.

March 23.—Mr. Yribarren Mora attended the Commissioners, to confer with them in regard to the claim of John Giuseppi submitted to him. Long discussion in reference thereto.

March 29.—The Commissioners attended at the office, and had a further conference and discussion in regard to the claim of George Treviranus; and being unable to agree, it was resolved to submit it for decision by the Umpire. The name ef Yribarren Mora was drawn as Umpire in this case.

April 5.—The Commissioners met for the despatch of business. A claim for outrages committed on British boats off Patos Island was submitted to the Commission, and the papers in reference thereto read by the Clerk.

April 7.—The claim for outrages committed on British boats off Patos Island dissallowed. The Commissioners had a long conference in regard to various examined claims.

April 10.—The Commissioners attended at the office. The claim of Enrique Bresto for 597 pesos was admitted for 226 pesos 75 cents.

April 13.—The Commissioners attended at the office. The claim of Miguel O'Callaghan was dissallowed.

April 15.—The claim of Caroline Perouze was submitted to the Commission, and the documents in reference thereto read by the Clerk. Allowed as compensation 50 pesos.

April 20.—Additional documents were presented to the Commission in regard to the claim of C. D. Dunlop, and read by the Clerk. It was resolved by the Commission to return the papers to the claimant with the following resolution:—

"*Mixed Commission of Claims, Caracas,*
(Translation.) "*April* 20, 1869.

"In consideration of the statement made by the Administrator of Posts of Cua, as authorized Representative of the National Government before the Court of that municipality on the 2nd of this month, to the effect that he abstained from making any observations during the examination of the witnesses in this case, as the chiefs mentioned in the petition presented were adherents of the late Government, the Commission resolves that the documents be returned to the interested party in order that he may require the said Administrator to make use of his right to cross-examine the witnesses, and dilucidate the points on which this claim rests, returning the documents without loss of time to this Commission. To which effect the present resolution is hereto annexed."

(Signed) "Lewis Joel, *British Commissioner.*
"Juan de D. Memdez, *Venezuelan Commissioner.*"

April 24.—The Commission met for the despatch of business, and had a long conference on various claims under consideration.

April 26 *and* 28.—During these dates the Commissioners were occupied in hearing the reading of the documents in support of the claim of Señora Maria Francisca Peñalver.

April 30.—The claim of Maria Francisca Peñalver was not admitted by the Commission, her right to have her claim adjudicated upon by the Commission not having been proved.

May 3 *to* 6.—The following letter was received from Mr. Louis Fagan, clerk to the Commission, requesting three months, leave of absence, which was conceded to him.

"*Caracas, May* 3, 1869.

"Gentlemen,

"My lamented father's death obliges me to accompany my mother and sisters to Europe. I therefore beg that you will grant me three months' leave of absence, and I submit for your approval the name of Mr. James A. Hill as my *locum tenens*. The sad bereavement which my family and I have suffered leads me to hope that, sympathizing with me, as I am sure you do, you will kindly grant me this request.

"I have, &c.

(Signed) "Louis Fagan, *Clerk of the Commission.*

"To the Commissioners of the Mixed Commission for the
Settlement of British Claims."

During these dates the Commissioners were occupied in hearing the reading of the papers presented in support of the claim of Arthur Taylor.

May 8.—The Commission met for the despatch of business, and had a conference in regard to the claim of Arthur Taylor.

May 10 *and* 11.—The Commissioners occupied in hearing the reading by the Clerk of the documents submitted in support of the claims of Messrs. Gerold and Urich.

May 13.—The Commissioners met for the despatch of business, and held a conference in reference to the claim of Messrs. Gerold and Urich. The claim allowed for 3,000 dollars.

May 15 *to June* 2.—During these dates the Commissioners were occupied in hearing the reading, by the Clerk, of the voluminous manuscript documents and printed pamphlets presented in support of the claim of Carolina L. Liborius.

June 3.—The award dated June 2 of the Umpire in the case of F. V. Bonttur was received. The Umpire awards 13,000 dollars.

June 4.—Additional documents were presented in support of the claim of H. G. Schimmel, and read by the Clerk. The claim admitted for 13,600 dollars.

June 8.—Additional documents were presented in support of the claim of C. D. Dunlop, and read by the Clerk.

June 10.—The Commissioners met for the despatch of business. The claim of C. D. Dunlop admitted for 640 dollars.

June 12.—A claim of Felipe Desuse, marked No. 1, was submitted to the Commission, and the documents in support of the claim read by the Clerk.

June 14.—A claim of Felipe Desuse, marked No. 2, was submitted to the Commission and the papers in reference thereto read by the Clerk.

June 15.—The Commissioners met for the despatch of business, and had a conference in reference to the claims of Felipe Desuse.

June 17.—The Commissioners met for the despatch of business, and held a conference in regard to the claim of J. T. de Castillo.

June 19.—The claim of Josefa M. de N. Anna Gregor MacGregor was presented to the Commission, and the papers in reference thereto read by the Clerk. It was resolved that the Commissioners should address a note to the Venezuelan Government in reference thereto.

June 21.—The claim of John George Every was presented to the Commission, and the papers relating thereto read by the Clerk. It was resolved that a copy of the proceedings in the confiscation of the sloop "Elizabeth," initiated 18th December, 1868, should be applied for.

June 23.—The claim of James Campbell was presented to the Commission, and the papers in reference thereto read by the Clerk.

June 25.—The Commissioners held a conference in regard to the claim of James Campbell, and it was resolved that the original documents on file in the British Consulate at Ciudad Bolivar should be applied for.

June 26.—The Commissioners met, and had a conference in regard to the claim of Arthur Taylor. The claim was disallowed.

June 28.—The claim of Frederick P. Derbishire was presented to the Commission, and the papers in reference thereto read by the Clerk.

June 29.—The Commissioners met, and held a conference in regard to the claim of Frederick P. Derbishire. The claim disallowed.

July 1.—The claim of Peter Murdock was presented to the Commission, and the documents in proof read by the Clerk.

July 6.—The Commissioners met, and had a conference in regard to the claim of Peter Murdock. The claim allowed for 380 dollars.

July 8.—The Commissioners met for the despatch of business, and had a long conference in reference to the claim of Caroline L. Liborius.

July 10.—The Commissioners met for the despatch of business, and had a further conference in regard to the claim of Caroline Litchfield Liborius.

July 12 *to* 14.—The Commissioners met for the despatch of business. The claim of Thomas Antigua was submitted to the Commission, and the documents in support thereof read by the Clerk.

July 16.—The Commissioners met and had a long conference in regard to the claim of Thomas Antigua. The Venezuelan Commissioner insisting that the Fiscal cited to attend the examination of the witnesses, and who did so attend, and signed the depositions as Fiscal, was not the Fiscal proper. The British Commissioner refused to admit this plea.

July 17 *to* 19.—The claim of Paul Award was submitted to the Commission, and the documents in support of the claim read by the Clerk.

July 20.—The Commissioners met for despatch of business, and had a conference in reference to the claim of Paul Award. The claim objected to by the Venezuelan Commissioner as the declarations had not been ratified before the Fiscal in conformance with the Law of the 16th June, 1865. The British Commissioner refused to admit the objection.

July 21.—The Commissioners met for the despatch of business. Additional documents in support of the claim of A. J. Cipriani were presented to the Commission, and read by the Clerk.

July 23.—The Commissioners met for the despatch of business, and had a long conference in regard to the claim of Joseph Jellert, and being unable to agree, it was agreed to submit it to the Arbitrator. The name of Mr. William Stürup was drawn as Arbitrator of this claim.

July 26.—The Commissioners met for the despatch of business. The claim of

Mrs. Sarah Campbell was submitted, and her memorial and various correspondence reference thereto read by the Clerk.

July 27.—The Commissioners met for the despatch of business, and held a conference in regard to the claim of Mrs. Carolina L. Liborius. The claim disallowed.

Mr. Joel addressed the following letter to Dr. Méndez, Venezuelan Commissioner:—

"Sir, "*Caracas, July* 27, 1869.

"I beg to call your attention to the many claims pending before the Commission. Those referring to losses inflicted during the war of the Federation, because you alleged that the Law of Public Credit of 1865 had a retroactive effect, which made it obligatory that the declarations taken in support of these claims should have been taken or ratified before the Fiscal, which point gave rise to long conferences and correspondence between us in the months of October and November last; and others of a similar nature to that of Messrs. Schloss and Co. and Michelson, arising out of debts due by the Republic of Colombia, upon which the Republics of New Granada and Ecuador have liquidated their respective portions.

"As many months have elapsed since you informed me that you had consulted the Venezuelan Government on both subjects, I trust that in your view of the speedy termination of the labours of the Commission, you will obtain as soon as possible some resolution in reference to these claims to enable me to decide on the course I may deem necessary to take in regard to them.

"I have, &c.

(Signed) "Lewis Joel, *British Commissioner.*"

July 28.—The Commissioners met for the despatch of business, and had a conference in regard to the claim of G. P. C. Richardson, and being unable to agree it was decided to submit it for decision by the Arbitrator.

The name of Mr. Stürup was drawn as Arbitrator of this claim.

August 2.—The Commissioners met for the despatch of business. The claim of William Ackers Cage was submitted.

August 3.—The Commissioners met for the despatch of business. The claims of Arthur Halle, Henry Court, and J. A. S. Cipriani were submitted and discussed.

August 5.—The Commissioners met for the despatch of business. The claims of Mrs. Sarah Campbell and William Ackers Cage under discussion.

August 6.—The Commissioners met for the despatch of business. The claims of Arthur Halle, Henry Court, and J. A. S. Cipriani were argued.

August 7.—The Commissioners met for the despatch of business. The three claims argued yesterday were again discussed. The Commissioners unable to agree.

August 9 to 16.—During these dates the Venezuelan Commissioner was unable to attend at the Office of the Commission in consequence of ill-health.

August 17.—The Commissioners met for the despatch of business. Additional documents in support of the claim of Gilbert Kerr and Co. were submitted and read by the Clerk.

August 18.—The Commissioners met for the despatch of business. The claims of L. Agostini, W. A. Andral, H. O'Callaghan, M. A. Elizondo, Robert Lyers, and B. Daly, were submitted and considered.

August 20.—The Commissioners met for the despatch of business. The six claims submitted on the 18th instant were again discussed.

August 21.—The British Commissioner received the following letter from the Venezuelan Commissioner:—

(Translation.)

"Sir, "*Caracas, August* 20, 1869.

I have to inform you that my Government has approved of the opposition I have made against any resolution by the Commission in respect of the claims for damages occasioned during the war of the Federation, the proofs whereof have not been ratified in conformity with the law of the 16th June, 1865, and the decrees and executive resolutions in reference thereto, as also as regards any claims posterior to the 21st September of last year, under which date the Commission for the settlement of the then pending claims was constituted. The claim of Mrs. Sarah Campbell is submitted to the Senate of the Republic, and that of Mr. W. Ackers Cage is before the Minister of Public Credit

"This is my reply to the note you did me the honour to address me on the 27th of July last, and I remain with all consideration and respect, &c.

(Signed) "JUAN DE D. MENDEZ,

"To Lewis Joel, Esq., "*Venezuelan Commissioner.*

British Commissioner."

August 23.—The Commissioners met for the dispatch of business, and held a conference in regard to the claims of Mrs. Sarah Campbell, and William Ackers Cage. The Commissioners being unable to agree, it was decided to submit them to arbitration.

The name of Mr. Stürup was drawn as arbitrator of both the above claims.

August 26.—The Commissioners met for the dispatch of business, and again discussed the claims of Arthur Halle, Henry Court, and J. A. S. Cipriàni, and being unable to agree it was decided to submit them to the Arbitrator.

The name of Mr. Yribarren Mora was drawn as Arbitrator in the case of Arthur Halle and J. A. S. Cipriani, and that of Mr. Stürup in the case of Henry Court.

August 30.—The Commissioners met for the dispatch of business. The claims of L. Agostini, W. A. Andral, H. O'Callaghan, M. A. Elizondo, Robert Syers, and B. Daly were again discussed.

September 1.—The Commissioners met for the dispatch of business. The six claims argued yesterday were again discussed, and the Commissioners being unable to agree it was decided to submit them to the Arbitrator.

The name of Mr. Yribarren Mora was drawn as Arbitrator in the whole of these claims.

September 2.—The Commissioners met for the dispatch of business. The claim of Gilbert Kerr and Co., marked No. 1, was submitted, and the documents in support thereof read by the Clerk. The claim was then considered.

In the claim of Mr. John Giuseppi the Umpire awarded the sum of 24,375 dollars.

September 3.—The Commissioners met for the dispatch of business. The claims of Philip Williams and Tomas Antiga were again discussed.

September 4.—The Commissioners met for the dispatch of business, and were engaged in the revision of the books and papers of the Commission.

September 6.—The Commissioners met for the dispatch of business. The claims of Messrs. Gilbert, Kerr, and Co., Nos. 2 and 3, were again under consideration, and it was decided that the Commission could not take cognizance of the claims arising under the contract entered into by José Maria Larrazabal, in which he was associated with Peter Clark and Arthur Clark, inasmuch as the 17th Article of the said contract provides that "any disputes that may arise in the execution of this contract shall be decided by the tribunals of the Republic, and shall in no case nor for any reason become a matter for international reclamation."

September 8.—The Commissioners met for the dispatch of business. The claim of Messrs. Gilbert, Kerr, and Co., marked No. 1, arising under the charter of the steamship "Regas Ferreos," by the Venezuelan Government for a voyage to Ciudad Bolivar, was considered.

The Commissioners awarded the sum of 7,525 dollars, with interest at the rate of 6 per cent. per annum, from the 13th December, 1864, on condition that Messrs. Gilbert, Kerr, and Co., shall deliver a more formal assignment to them by Peter Clark and Arthur Clark, their heirs, executors, or assigns, and by José Maria Larrazabal, his heirs, executors, or assigns, of any interest they may have had in the charter of the steamer "Regas Ferreos" to the Venezuelan Government for a voyage to Ciudad Bolivar, October 31, 1864, than now exists amongst the papers forming this claim.

September 9 and 10.—The Commissioners met for the dispatch of business. The claim of Felix Dalaby was submitted, and the documents in support of the claim read by the Clerk.

September 11.—The Commissioners met for the dispatch of business. The claim of the International Financial Society (limited) was submitted, and the documents in support of the claim read by the Clerk.

September 13.—The Commissioners met for the dispatch of business, and had a long conference in regard to the objection raised by the Venezuelan Commissioner to the consideration by the Commission, of the claims of Tomas Antiga and Philip Williams, and it was at length agreed to submit the point at issue for decision by the Umpire.

The name of Mr. Yribarren Mora was drawn as Umpire.

September 14.—The Commissioners met for the dispatch of business, and held a long conference in regard to the claim of the International Financial Society (limited). The claim disallowed.

September 15.—The Commissioners met for the despatch of business. In the claim of Joseph Jelleret the Umpire awarded the sum of 61,651 dollars 69 cents, with such interest from date as may hereafter be established.

The claim of George Treviranus was disallowed by the Umpire.

In the claims of Tomas Antiga and Philip Williams the Umpire decided that the Commission can, "in reason of equity, courtesy, and of other obvious considerations, examine and adjudicate on these claims on their merits."

The claim of Colin Campbell was disallowed by the Commission.

September 16.—The Commissioners met for the despatch of business, and had a long conference in regard to the objection raised by the Venezuelan Commissioner to the consideration of the claims of C. Dumaine, J. C. Blondel, J. R. Hartman, D. Pampelloni, W. L. Syers, E. Brandt, P. Award, and F. Labaday; and it was agreed to refer the question for decision by the Umpire upon the correspondence which had passed between the Commissioners in reference to these claims.

The name of Mr. Yribarren Mora was drawn as Umpire.

September 17.—The Commissioners met for the despatch of business.

The claim of Tomas Antiga was considered, and the Commissioners being unable to agree it was decided to submit the claim for decision by the Umpire.

The name of Mr. William Stürrup was drawn as Umpire in this case.

The claim of Philip Williams was then discussed, and the Commissioners, being unable to agree, it was resolved to submit the claim for decision by the Umpire.

The name of Mr. William Stürrup was drawn as Umpire.

September 18.—The Commissioners met for the despatch of business.

The Commissioners had a long conference in regard to the claims of Oliver Romberg, No. 1, Edward Brandt,* No. 3, J. P. R. Stevenson, Nos. 1 and 2, and Felipe Desuse, Nos. 1 and 2.

The Venezuelan Commissioner insisted on sustaining the objection he had made previously in reference to the adjudication of these claims by the Commission, in consequence of the proofs ("expedientes") having been formalized posterior to the date of the Convention under which the Commission was established, for the purpose of "fixing the amount of all pending claims," that these claims were not then pending. consequently the Commission cannot take cognizance of them. It was agreed that these claims should be withdrawn from the Commission without prejudice to the claimants, to whom are reserved all rights which may appertain to them.

September 20.—The Commissioners met for the despatch of business.

The claim of Antonio Julius Cipriani was discussed.

The claim of Ramon Infante was disallowed by the Commission.

In regard to the claims of Mrs. Laura Stopford, Mr. W. R. Smily, executor of the late General D'Evereux, and Miss Gregor Mac Gregor, the Commissioners addressed a joint note to the Venezuelan Government, through the medium of the Minister of Foreign Relations, recommending the payment of these claims.

September 22.—The Commissioners met for the despatch of business.

The Umpire decided that the Commission ought to consider the claims of C. Dumaine, J. C. Blondel, J. R. Hartman, D. Pampelloni, W. H. L. Syers, E. Brandt, P. Award, and F. Labady.

The claim of J. C. Blondel was then considered, and disallowed by the Commission.

September 23.—The Commissioners met for the despatch of business.

The claim of Antonio Julius Cipriani was considered, and the Commission awarded the sum of 4,000 dollars.

The claim of Mr. John Giuseppi for 512,413 dollars upon certificates of liquidation of the Bank of Venezuela was presented, and objected to by the Venezuelan Commissioner, it not having been presented to the British Legation in Carácas or to the Venezuelan Government anterior to the date of the Convention for the adjustment of pending claims.

September 24.—The Commissioners met for the despatch of business.

The claim of Felix Labady was considered. The claim allowed for 6,555 dollars.

The claim of C. Dumaine was disallowed by the Commission.

September 25.—The Commissioners met for the despatch of business.

The claim of Paul Award was considered, and the Venezuelan Commissioner having raised the same objection to this claim as to those of Oliver Romberg No. 1, Edward Brandt No. 3, and others, the claim was withdrawn under the resolution agreed to on the 18th instant, all rights having been reserved to the claimant.

The claim of Dr. H. Segur was considered, and the sum of 10*l.* sterling allowed for

* Afterwards allowed.

the twenty-four hours' detention of the "Marcello;" and it was resolved by the Commissioners to address a joint note to the Venezuelan Government through the medium of the Minister of Foreign Relations to interpose its authority to prevent the recurrence of similar events.

September 27.—The Commissioners met for the despatch of business.

The claim of Dionisio Pampellone was considered. The claim allowed for 2,015 dollars.

In the claim of Mr. John Giuseppi it was resolved to address the following note to his attorney :—

"Sir, "*Caracas, September* 27, 1869.

"We have again to notify you, as agent for Mr. John Giuseppi, that proof must be presented to this Commission on or before 3 P.M. of the 29th instant, that the certificates of liquidation of the Bank of Venezuela for 512,413 dollars 49 cents were issued in lieu of shares originally held by him or his brother, for whom he is attorney.

(Signed) "LEWIS JOEL, *British Commissioner.*
"JUAN DE D. MENDEZ, *Venezuelan Commissioner.*"

"Señor Dr. Modesto Urbaneja,
&c. &c. &c."

September 28.—The Commissioners met for the despatch of business. The claim of Edward Brandt No. 1 was discussed. The claim disallowed.

The claim of Edward Brandt No. 2 was considered. The claim allowed for 2,570 dollars.

September 29.—The Commission met for the despatch of business.

The claim of George P. C. Richardson was disallowed by the Umpire.

The claim of J. R. Hartman was disallowed by the Commission.

The following note was received from Señor Modesto Urbaneja, agent for Mr. John Giuseppi :—

(Translation.)

"Gentlemen, "*Caracas, September* 29, 1869.

"In reply to your note of the day before yesterday, I have to inform you that it is not possible to strictly prove that the 512,413 dollars 49 cents. in bonds of the liquidation of the Bank of Venezuela were issued in lieu of shares originally held by Mr. John Giuseppi, or by his brother, because, those shares and these bonds having been issued to the bearer, one of the objects of the Institution would not have been effected could material proof be produced to-day in respect to the persons to whom bonds in favour of the bearer were issued; and so sure is this the fact, that there is no mention made in the principal books of the Bank of the names of persons, and that such mention of names could not have been made.

"However, in order to satisfy the moral intention of the Commission, I have made due inquiry, and obtained the necessary information to show that Mr. John Giuseppi, according to the auxiliary books of the Bank, was an original creditor of the Bank for the sum of 400,000 dollars, more or less, exclusive of interest. But as Mr. Giuseppi in the course of his business transactions, held credits in the name of other persons, and as the cause of the difference may consist in these credits, and be equally proved, the necessary information may be obtained from Mr. John Giuseppi himself, who will shortly be in this capital.

"Moreover, I may venture to assure the Commission, whom I have the honour to address, that the persons in charge of the liquidation of the Bank will have no objection to place before the Mixed Commission for the Settlement of British Claims, the principal and auxiliary books of the Bank, as well as any other documents necessary to prove the justice of the claim of Mr. John Giuseppi.

"I am, &c.
(Signed) "MODESTA URBANEJA.

"To Messrs. Lewis Joel, and Dr. Juan de D. Mendez,
Commissioners for the Settlement of British Claims."

The claim of Gilbert Kerr and Co. (No. 4) was then heard and considered. The claim disallowed by the Commissioners as, by the XVIIth Article of the Contract under which this claim is made, it was agreed, that all questions shall be decided by the tribunals of the country, and shall in no case nor for any reason become a matter for international reclamation.

The claim of James Campbell was disallowed by the Commissioners for want of proof.

The claim of George P. C. Richardson was disallowed by the Umpire.

The claim of H. G. Schimmel for 7,420 dollars for damages alleged to have been done to a foundry in Puerto Cabello, was disallowed by the Commission.

September 30.—In consequence of the statement made by Dr. M. Urbaneja, as agent of Mr. John Giuseppi, in his note which appears in yesterday's minutes, the Commissioners resolved to inspect the books of the late Bank of Venezuela, and for this purpose they proceeded to the house of Mr. I. J. Pardo, one of the liquidators. They there examined the books of the late Bank, but found no entries or register of original shareholders, nor could they discover whether the certificates of liquidation, which form this claim, had been given to Mr. John Giuseppi in exchange for original shares. In view of these facts, and taking into consideration that this claim was not presented to Her Majesty's Legation at Carácas anterior to the 21st of September, 1868, the date of the Convention for the adjudication of pending claims, the Commissioners resolved that the claim of Mr. John Giuseppi cannot be adjudicated upon by this Commission.

The claim of W. H. L. Syers was again considered, and the Commissioners awarded the sum of 2,000 dollars.

In the claim of George Every, no further proofs having been presented, the claim was not adjudicated upon by the Commission.

The claim of Edward Brandt (No. 3) was again considered. The claim allowed for 3,780 dollars.

In the claim of José T. del Castillo, no further proofs having been presented to the Commission, the claim was not adjudicated upon.

The British Commissioner entered a formal protest against the refusal of the Venezuelan Commissioner to adjudicate upon the claim of Messrs. Schloss and Co. and Michelson.

It was resolved by the Commissioners that the proceedings of the Commission should be printed.

October 1.—In the claim of H. Court and H. Borde, the Umpire awarded the sum of 6,058 dollars 87 cents., with such interest from date as may hereafter be agreed upon to be paid on all other British claims.

In the claim of William Ackers Cage, the Umpire awarded the sum of 3,879 dollars 42 cents, with such interest from date as may hereafter be agreed upon, to be paid on all other British claims.

In the claim of Mrs. Sarah Campbell, the Umpire awarded the sum of 4,005 dollars 1 cent, with such interest from date as may hereafter be agreed upon, to be paid on all other British claims.

October 8.—In the claim of Luciano Agostini, the Umpire awarded the sum of 1,465 dollars, with interest at the rate of 1 per cent. per month upon 465 dollars, from 2nd of August, 1860, to the 30th June, 1866; and interest at the same rate upon 1,000 dollars, from the 15th of August, 1863, to the 20th of June, 1866.

In the claim of W. A. Andral, the Umpire awarded the sum of 4,700 dollars, with interest at the rate of 1 per cent. per month on 1,700 dollars, from the 2nd of August, 1860, to the 30th of June, 1866, and interest at the same rate upon 3,000 dollars, from from the 31st of December, 1862, to the 30th of June, 1866.

In the claim of H. O'Callaghan, the Umpire awarded the sum of 11,105 dollars, and interest at the rate of 1 per cent. per month from the 2nd August, 1860, to the 30th of June, 1866.

In the claim of M. A. Elizondo, the Umpire awarded the sum of 3,773 dollars 50 cents, with interest at the rate of 1 per cent. per month on 2,773 dollars 50 cents, from 31st December, 1862, to 30th June, 1866; on 54 dollars, from 2nd August, 1860, to 30th June, 1866; on 46 dollars, from 15th January, 1861, to 30th June, 1866; and on 900 dollars, from 1st March, 1862, to 30th June, 1866.

In the claim of Robert Syers, the Umpire awarded the sum of 4,620 dollars, with interest at the rate of 1 per cent. per month on 4,368 dollars, from the 2nd of August, 1860, to 30th of June, 1866; on 218 dollars, from the 15th of January, 1861, to 30th June, 1866; and on 34 dollars, from the 24th of February, 1862, to 30th June, 1866.

In the claim of B. Daly, the Umpire awarded the sum of 1,000 dollars, with interest at the rate of 1 per cent. per month, from the 1st of March, 1862, to 30th of June, 1866.

In the claim of Arthur Halle, the Umpire awarded the sum of 45,305 dollars 70 cents, with interest at the rate of 1 per cent. per month on 44,500 dollars, from the 1st of of November, 1861, to the 30th June, 1866; on 146 dollars 50 cents, from the 31st of

December, 1862, to the 30th June, 1866; and on 659 dollars 25 cents, from the 31st of December, 1862, to the 30th June, 1866.

In the claim of J. A. S. Cipriani, the Umpire awarded the sum of 7,000 dollars, with interest at the rate of 1 per cent. per month, from the 1st of November, 1861, to the 30th June, 1866.

October 14.—The claims of Tomas Antiga and Philip Williams were disallowed by the Umpire.

November 5.—In the claim of Christian Christopher, J. Home, and William Thomas, the Venezuelan Commissioner this day handed to the British Commissioner the following note:—

(Translation.)

"Sir, "*Caracas, November* 4, 1869.

"With the object of arriving at a solution of the claims of Messrs. Christian Christopher, J. Home, and William Thomas, in which I excused myself from entering on its merits, as may be seen in the record of our proceedings, I asked instructions of my Government, and I have the honour to inform you that his Excellency the Minister of Foreign Relations, under this day's date, has declared to me there exist no grounds whatsoever why indemnification should be allowed the claimants.

"I am, &c.

(Signed) "JUAN DE D. MENDEZ,

"*Venezuelan Commissioner.*

"To Lewis Joel, Esq.,
British Commissioner."

This claim must, therefore, be considered as a claim not having been adjudicated upon by the Mixed Commission, and as pending against the Venezuelan Government, the British Commissioner not concurring in the views of the Minister of Foreign Relations as expressed in the foregoing note.

SUMMARY OF THE DECISIONS AND AWARDS BY THE COMMISSIONERS AND UMPIRES UPON THE CLAIMS OF BRITISH SUBJECTS UPON THE GOVERNMENT OF VENEZUELA.

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1. *Schloss and Co. and Michelson.*

Heard October 7, 1868. Correspondence between the Commissioners, October 9, 10, and 15. Disagreement of the Commissioners. The Venezuelan Commissioner refuses to consider the claim. Protest.

Claim for 28½ per cent., the proportion due by the Republic of Venezuela on eleven bonds of the old Republic of Colombia, amounting to 13,000*l.* and interest thereon, and for a like per-centage on two bills of exchange for 2,000*l.* each, and interest thereon.

September 30, 1869.—The British Commissioner protested against the decision of the Venezuelan Commissioner not to consider this claim, claiming and reserving for the claimants all the rights and privileges they would have enjoyed had their claims been adjudicated upon by the Commission.

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2. *H. Schmale.*

Heard October 10, 1868. Further papers presented and read January 29, 1869. Award.

Claim for 7,000 dollars injoined in the hands of the Venezuelan Government.

January 29, 1869.—The Commissioners awarded the sum of 7,000 dollars.

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3. *Luciano Agostini.*

Heard October 15, 1868. Withdrawn.

Claim for damages and prejudices. This claim having been adjudicated upon by the Honourable R. Edwardes and the Venezuelan Government, the Commissioners refused to reconsider it.

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4. *William A. Andral.*

Heard, October 15, 1868. Considered, August 18, 20, 30, 1869. Disagreement of the Commissioners. Submitted to the Umpire September 1. Award by Umpire.

Claim for 4,700 dollars and interest upon titles of the 75 and 40 per cent., and notes of August, 1860.

October 8, 1869.—The Umpire awarded the sum claimed, with interest as follows, 1,700 dollars with interest at the rate of 1 per cent. per month from the 2nd of August, 1860, to the 30th of June, 1866, and 3,000 dollars, with interest at the rate of 1 per cent. per month from the 31st of December, 1862 to the 30th of June, 1866.

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5. *Carlos J. Blondel.*

Heard, October 16, 17, 1868. Considered. Disagreement of the Commissioners. Correspondence in reference thereto, October 26, 29, November 3, 10, December 11, 15, 17, 19.

Case for decision by Umpire, September 16, 1869. Considered, September 22. Disallowed.

Claim for 12,800 dollars 80 cents, for damage alleged to have been done to an estate, and for animals alleged to have been seized during the war of the Federation.

September 22, 1869.—Claim disallowed by the Commissioners.

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6. *Thomas Bolland.*

Heard, October 20, 1868. Award.

Claim for 80 dollars arising out of the law of Espera.

October 21, 1868.—The Commissioners awarded the sum of 80 dollars, and interest thereon at the rate of 5 per cent. per annum, from the 2nd of November, 1849.

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7. *José R. Hartman.*

Heard, October 20, 1868. Considered October 21. Disagreement of the Commissioners. Correspondence thereon, October 26, 29, November 3, 10, December 11, 15; 17, 19.

Case for decision by the Umpire, September 16, 1869. Considered, September 29. Disallowed.

Claim for 3,549 dollars 62 cents, for damage to and loss of furniture on, the estate of Santa Teresa, in March, 1860.

September 29, 1869.—Claim disallowed by the Commissioners.

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8. *Edward Brandt (No. 1).*

Heard, October 27, 1868. Disagreement of the Commissioners. Point decided by the Umpire, September 22, 1869. Considered September 28.—Disallowed.

Claim for 1,100 dollars for supplies voluntarily given to troops.

September 28, 1869.—Claim disallowed by the Commissioners.

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9. *Edward Brandt (No. 2).*

Heard, October 27, 1868. Disagreement of the Commissioners. Point decided by the Umpire September 22, 1869. Considered September 28. Award.

Claim for 4,252 dollars 52 cents, for animals seized by the forces under General Fermin Montaigne, September 5, 1862.

September 28, 1869.—The Commissioners awarded the sum of 2,570 dollars.

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10. *Dionisio Pampelloni.*

Heard, October 27, 1868. Disagreement of the Commissioners. Point decided by the Umpire, September 22, 1869. Considered, September 27. Award.

Claim for 3,388 dollars 37 cents for merchandize sold, and for animals forcibly taken from him in Maturin.

September 27, 1869.—The Commissioners awarded the sum of 2,015 dollars.

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11. *Pedro Luques.*

Heard, October 29, 1868. Objected to by the Venezuelan Commissioner, the documents presented being unauthenticated copies of original documents presented to the Department of Public Credit.

Claim for 1,178 dollars for rent and value of a house at Petare.

Original documents applied for through Her Majesty's Legation.

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12. *Luis Francisco Coudray.*

Heard, November 18, 1868. Disallowed. Claim for 618 dollars; viz., 164 dollars for professional services, and a further sum of 454 dollars which had been assigned for value received to a Danish subject.

November 18, 1868. Claim disallowed by the Commissioners.

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13. *Antonio Julius Cipriani.*

Heard, November 19, 1868. Additional documents presented and read July 21, 1869. Considered September 20. Award.

Claim for 50,000 dollars, viz., 46,000 dollars for alleged damage to and loss on an estate, and for alleged unlawful imprisonment; and for 4,000 dollars, value of the sloop "John" illegally captured.

September 23, 1869. The Commissioners awarded the sum of 4,000 dollars.

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14. *L. L. Delgresse.*

Heard, November 21, 1868. Considered, February 2, 1869. Disallowed.

Claim for 19,370 dollars for alleged illegal seizure of hides and tallow.

February 2, 1869. Claim disallowed by the Commissioners.

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15. *Cesarine Dumaine.*

Heard, November 23, 1868. Disagreement of the Commissioners. Point decided by the Umpire, September, 22, 1869. Considered, September 24. Disallowed.

Claim for 53,410 dollars, viz., 7,200 dollars, the value of animals alleged to have beeu seized by the troops under General Sotillo in Uracoa, and for 46,210 dollars for damages and prejudices.

September 24, 1869. Claim disallowed by the Commission.

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16. *Ramon Infante.*

Heard, November 23, 1868. Considered, September 20, 1869. Disallowed.

Claim for the value of a canoe, and 40 dollars, value of merchandize sold to troops.

September 20, 1869. Claim disallowed by the Commission.

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17. *Philip Williams.*

Heard, November 28, 1868. Disagreement of the Commissioners. Point decided by the Umpire, September 15, 1869. Considered, September 15. Commissioners unable to agree. Submitted to the Umpire. Disallowed by the Umpire.

Claim for 5,935 dollars and 12 cents, for the value of a launch, merchandize, and animals, alleged to have been forcibly taken from him at Boca del Pao during the war of the Federation.

October 14, 1869. Claim disallowed by the Umpire.

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18. *Michael O'Callaghan.*

Heard, November 30, 1868. Considered, April 13, 1869. Disallowed.

Claim for 15,000 dollars, for alleged wrongful imprisonment and consequent injury to his business.

April 13, 1869. Claim disallowed by the Commissioners.

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19. *Colin Campbell.*

Heard, December 2, 1868. Considered, September 15, 1869. Disallowed.

Claim for 17,213 dollars and 83 cents, for cattle alleged to have been seized, and for damages and prejudices in consequence of an alleged burglary committed on his house.

September 15, 1869. Claim disallowed by the Commissioners.

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20. *Dr. H. Segur.*

Heard, December 5, 1868. Considered, September 25, 1869. Award. Note to the Venezuelan Government.

Claim for the detention of the ship "Marcello," laden with ores, by the Municipality of Carúpano for 24 hours.

September 25. The Commissioners awarded the sum of 10*l.* sterling, and addressed a note to the Venezuelan Government, through the Minister of Foreign Relations, asking them to interpose their authority to prevent the recurrence of similar proceedings by the authorities of Carúpano.

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21. *José Trinidad del Castillo.*

Heard, December 7, 1868. Considered, June 17, 1869.

Claim adjudicated upon by the Honourable R. Edwardes and the Venezuelan Government in 1865, but not to be considered final until the production of further proofs of nationality. No. further presented. The Commissioners consequently did not adjudicate upon this claim.

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22. *Woodberry Brothers.*

Heard, December 15, 1868. Award.

Claim for 13,806 dollars, for the seizure of 531 head of cattle.

December 15, 1868. The Commissioners awarded the sum of 13,806 dollars.

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23. *H. G. Schimmel.*

Heard, December 19, 1868. Additional documents presented and read, February 23, 1869. Considered, February 26. Further documents presented and read, June 4. Award.

Claim for 20,000 dollars for the alleged seizure of 500 head of cattle.

June 4, 1869. The Commissioners awarded the sum of 13,600 dollars.

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24. *Henrique Bresto.*

Heard, December 23, 1868. Considered, April 10, 1869. Award.

Claim for merchandize supplied to, and taken by, troops.

April 10, 1869. The Commissioners awarded the sum of 226 dollars and 75 cents.

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25. *F. V. Bonttur.*

Heard, December 28, 1868. Considered, March 22, 1869. Award.

Claim for 90 dollars, value of two asses.

March 22, 1869. The Commissioners awarded the sum of 90 dollars.

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26. *H. G. Schimmel.*

Heard, December 29, 1868. Considered, September 29, 1869. Disallowed.

Claim for 7,420 dollars and 50 cents, for damages alleged to have been done to a foundry at Puerto Cabello by the troops under General Bruzual.

September 29, 1869. Claim disallowed by the Commission.

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27. *John Giuseppi.*

Heard, December 30, 1868. Considered, January 4 & 7, 1869. Disagreement of the Commissioners. Submitted to the Umpire. Conference between the Umpire and the Commissioners, March 23. Award by Umpire.

Claim for 24,375 dollars, the value of 556 horses seized during the war of the Federation.

September 2.—The Umpire awarded the sum of 24,375 dollars.

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28. *Oliver Romberg* (*No.* 1).

Heard, January 8, 1869. Considered, January 12 and 14. Objected to by the Venezuelan Commissioner. Rights of the claimant reserved without prejudice.

Claim for 19,300 dollars, for horses alleged to have been seized during the war of the Federation.

September 18, 1869.—The Venezuelan Commissioner having objected to adjudicate upon this claim on the ground that the proofs were formalized posterior to the date of the Convention for the settlement of pending claims, the claim was withdrawn from the Commission without prejudice to the claimant.

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29. *Oliver Romberg (No. 2).*

Heard, January 9, 1869. Considered, January 12. Disagreement of the Commissioners. Submitted to the Umpire January 16. Award by Umpire.

Claim for denial of justice.

March 15.—The Umpire awarded the sum of 2,750 dollars and interest from date.

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30. *Christian Christopher, J. Home, and William Thomas.*

Heard, January 18, 1869. Venezuelan Commissioner declined to adjudicate upon the claim on the grounds that his brother, the President of the Supreme Court of Ciudad Bolivar, was one of the officials implicated in the allegations of the claimants.

Claim for denial of justice.

November 5. This claim for the reasons set forth in the Record of the Proceedings of the Commissioners of the 18th January and of this date is to be considered as still pending.

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31. *C. W. Bailey.*

Heard, January 19. Disallowed.

Claim against the Government of Venezuela for damages for want of punctuality in the payment of work done under contract.

January 19, 1869. Claim dismissed by the Commission for want of proof.

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32. *A. F. André.*

Heard, January 19, 1869. Considered, January 20. Disallowed.

Claim for 280 dollars, for the value of eight head of cattle alleged to have been seized.

January 20.—Claim disallowed by the Commissioner.

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33. *J. Pierre.*

Heard, January 20, 1869. Disallowed.

Claim for the value of a boat alleged to have been seized by the authorities of Carúpano.

January 20, 1869. Claim disallowed by the Commission.

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34. *Gilbert, Kerr, and Co. (Nos. 2 and 3).*

Heard, January 22, 1869. Considered, September 6. Disallowed.

Claim for 11,537 dollars 50 cents for money due under a contract to subsidize the steamer "Regas Ferreos."

September 6, 1869.—The Commissioners decided that they could not take cognizance of this claim, the claimants having, by the 17th Article of the contract under which they claim, agreed that all matters in dispute should be settled by the ordinary Tribunals of the country, and shall in no case, nor for any reason, become a matter for international reclamation.

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35. *Schooner "Grace," F. V. Bonttur, Owner.*

Heard, January 23, 25, and 26, 1869. Disagreement of the Commissioners, January 27. Submitted to the Umpire. Award by Umpire.

Claim for 20,000 dollars, for alleged wrongful capture and condemnation of the "Grace" and cargo, and for damages and prejudices.

June 2, 1869.—The Umpire awarded the sum of 13,000 dollars.

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36. *Charles D. Dunlop.*

Heard, February 2, 1869. Additional papers submitted and read, April 20. Further documents submitted and read, June 8. Award.

Claim for 800 dollars for the alleged seizure of twenty head of cattle.

June 10.—The Commissioners awarded the sum of 640 dollars.

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37. *J. P. K. Stevenson* (*No.* 1).

Heard, February 5, 1869. Considered, February 6. Objected to by the Venezuelan Commissioner. Withdrawn without prejudice to the claimant.

Claim for 9,660 dollars, for the value of cattle and horses alleged to have been seized during the war of the Federation.

September 18, 1869.—The Venezuelan Commissioner having objected to adjudicate upon this claim on the grounds that the proofs were formalized posterior to the date of the Convention for the Settlement of Pending Claims, the claim was withdrawn from the Commission without prejudice to the claimant.

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38. *M. L. O'Callaghan.*

Heard, February 11 and 12, 1869. Withdrawn.

Claim for the value of arms seized by the authorities.

Claim withdrawn.

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39. *Schooner "Norman," G. P. C. Richardson, Owner.*

Heard, February 13, 1869. Original documents submitted, February 16. Disagreement of the Commissioners. Submitted to the Umpire, July 28. Disallowed by the Umpire.

Claim for 1,449 dollars for four months' and eight days' detention of the "Norman" by the authorities of Carúpano.

September 29, 1869.—Claim disallowed by the Umpire.

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40. *Lorenzo Ellul.*

Heard, February 15, 1869. Further papers submitted and read, February 25. Award.

Claim for 2,190 dollars for the seizure of seventy-three head of cattle.

September 25, 1869.—The Commissioners awarded the sum of 2,190 dollars.

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41. *Mrs. Laura Stopford.*

Heard, February 17, 1869. Joint note of the Commissioners to the Venezuelan Government September 20. Reply of Venezuelan Government.

Claim for 9,044 dollars 44 cents for arrears of pension due to he late husband.

September 20, 1869. The Commissioners addressed a note to the Venezuelan Government recommending the payment of this claim.

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42. *G. K. Smily, Executor of the late General D'Evereux.*

Heard February 18, 1869. Joint note of the Commissioners to the Venezuelan Government, September 20. Reply of the Venezuelan Government.

Claim for arrears of pension due to the late General D'Evereux.

September 20, 1869. The Commissioners addressed a note to the Venezuelan Government recommending the payment of this claim.

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43. *W. H. L. Syers.*

Heard, February 20, 1869. Disagreement of the Commissioners. Point submitted for the decision of the Umpire, September 16. Considered, September 30. Award.

Claim for 70,000 dollars for damages to, and loss by, the estate of San Blas.

September 30. The Commissioners awarded the sum of 2,000 dollars.

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44. *H. F. Fawens.*

Heard, February 25, 1869. Disallowed for want of proof.

Claim for 300 hard dollars for coal alleged to have been seized by the Venezuelan Government in Puerto Cabello.

February 25, 1869. The claim disallowed by the Commissioners for want of proof.

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45. *J. P. K. Stevenson (No. 2).*

Heard, February 27, 1869. Objected to by the Venezuelan Commissioner. Withdrawn without prejudice to the claimant.

Claim for 85,245 dollars for 2,449 head of cattle, and 192 horses and mules seized during the war of the Federation.

September 18, 1869. The Venezuelan Commissioner having objected to adjudicate upon this claim on the grounds that the proofs were formalized posterior to the date of the Convention for the Settlement of Pending Claims, the claim was withdrawn from the Commission without prejudice to the claimant.

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46. *Joseph Jelleret (No. 1).*

Heard, March 3, 1869. Considered, July 23. Disagreement of the Commissioners. Submitted to the Umpire. Award by the Umpire.

Claim for 66,333 dollars for the seizure of 580 head of cattle by the authorities of the Province of Maturin.

September 15, 1869. The Umpire awarded the sum of 61,651 dollars 69 cents, with interest from date of award.

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47. *Joseph Jelleret (No. 2).*

Heard, March 3, 1869. Claim withdrawn for the presentation of further proof. Not returned to the Commission.

Claim for 25,000 dollars upon an order of the Supreme Chief on the Custom-house of Maturin. Withdrawn from the Commission for the presentation of further proof, and not returned.

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48. *George Treviranus.*

Heard, March 9 and 12, 1869. Considered, March 15. Disagreement of the Commissioners. Submitted to the Umpire. Claim disallowed by the Umpire.

Claim for 6,000 dollars for alleged denial of justice.

September 15, 1869. Claim disallowed by the Umpire.

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49. *British Boat off Patos, Jean François De Couteau, Owner.*

Heard, April 4, 1869. Disallowed. Claim for 94 dollars 40 cents, and for damages and prejudices for an outrage alleged to have been committed by an armed Venezuelan boat.

April 4, 1869. Claim disallowed for want of proof.

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50. *Caroline Perouze.*

Heard, April 15, 1869. Award. Claim for alleged wrongful detention by the Police authorities of Güiria.

April 15, 1869. The Commissioners awarded 50 dollars as compensation.

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51. *Maria Francisca Peñalva.*

Heard, April 26 and 28, 1869. Considered, April 30. Disallowed.

Claim for 48,890 dollars for alleged damage to, and loss occasioned to, the estate of Los Aguacates.

April 30, 1869. Claim disallowed by the Commissioners.

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52. *Arthur Taylor.*

Heard, May 3 and 6, 1869. Considered, May 8. Considered, June 26. Disallowed claim for 20,000 dollars for alleged acts of injustice committed by the Judge of First Instance of Carácas.

June 26, 1869. Claim disallowed by the Commissioners.

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53. *Gerold and Urich.*

Heard, May 10 and 11, 1869. Considered, May 13. Award.

Claim for 6,840 dollars for 223 head of cattle, 1 horse, and 2 mules, alleged to have been seized during the war of the Federation.

May 13, 1869. The Commissioners awarded the sum of 3,000 dollars.

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54. *Carolina Liborius.*

Heard, May 15 to June 2, 1869. Considered, July 8 and 10. Disallowed claim for 51,000 dollars for denial of justice.

July 27, 1869. Claim disallowed by the Commissioners.

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55. *Felipe Desuse* (*No.* 1).

Heard, June 12, 1869. Considered, June 15. Objected to by the Venezuelan Commissioner. Claim withdrawn without prejudice to the claimant.

Claim for 3,450 dollars for 115 herd of cattle alleged to have been seized by General Valle in Pilones in 1860.

September 18, 1869. The Venezuelan Commissioner having objected to adjudicate upon this claim, on the grounds that the proofs were formalized posterior to the date of the Convention for the Settlement of Pending Claims, the claim was withdrawn from the Commission without prejudice to the claimant.

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56. *Felipe Desuse* (*No.* 2).

Heard, June 14, 1869. Considered, June 15. Objected to by the Venezuelan Commissioner. Claim withdrawn without prejudice to the claimant.

Claim for 10,250 dollars, for 410 head of cattle alleged to have been forcibly taken by the troops under General J. D. Morales, in Orituca.

September 18, 1869.—The Venezuelan Commissioner having objected to adjudicate upon this claim, on the grounds that the proofs were not formalized until after the date of the Convention for the Adjustment of Pending Claims, the claim was withdrawn without prejudice to the claimant.

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57. *Miss M. de N. Anna Mc Gregor.*

Heard June 19, 1869. Joint note of the Commissioners to Venezuelan Government, September 20. Reply of Venezuelan Government.

Claim for arrears of pension assigned to her on account of the military services of her father, the late Sir Gregor McGregor, during the War of Independence.

September 20, 1869.—The Commissioners addressed a note to the Venezuelan Government, recommending the payment of this claim.

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58. *George Every.*

Heard, June 21, 1869. Additional papers asked for.

Claim for the alleged wrongful capture and confiscation of his sloop the "Elizabeth," by the authorities of the Island of Margarita.

September 30, 1869.—No additional documents having been presented in support of this claim, it was not adjudicated upon by the Commission.

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59. *James Campbell.*

Heard, June 23, 1869. Considered, June 25. Disallowed.

Claim for alleged false imprisonment, and for the loss of services of a servant.

September 29, 1869.—Claim disallowed by the Commission for want of proof.

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60. *Frederick P. Derbyshire.*

Heard, June 28, 1869. Considered June 29. Disallowed for want of proof.

Claim for alleged denial of justice.

June 29, 1869.—Claim disallowed by the Commissioners.

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61. *Peter Murdock.*

Heard July 1, 1869. Considered July 6. Award.

Claim for 380 dollars, for cattle alleged to have been seized by the troops under General Rodriguez.

July 6, 1869.—The Commissioners awarded the sum of 380 dollars.

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62. *Tomas Antiga.*

Heard, July 12 and 14, 1869. Considered, July 16. Disagreement of the Commissioners. Point decided by the Umpire, September 17. Commissioners unable to agree. Submitted to the Umpire. Disallowed by the Umpire.

Claim for 9,700 dollars, the value of 400 head of cattle, horses, &c., alleged to have been seized at Boco del Pao during the War of the Federation.

October 14, 1869.—Claim disallowed by the Umpire.

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63. *Paul Award.*

Heard, July 17 and 19, 1869. Considered, July 20. Disagreement of the Commissioners. Point decided by the Umpire September 22. Considered, September 25. Objected to by the Venezuelan Commissioner. Claim withdrawn, without prejudice to the claimant.

Claim for 31,467 dollars, for cattle and horses alleged to have been taken during the War of the Federation.

September 25, 1869.—The Venezuelan Commissioner objected to adjudicate upon this claim, unless the additional proofs, taken subsequent to the date of the Convention for the Settlement of Pending Claims, were stricken out. The British Commissioner declined to adopt this course, and it was agreed that the claim should be withdrawn from the Commission, without prejudice to the rights of the claimant.

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64. *Mrs. Sarah Campbell.*

Heard, July 26, 1869. Considered, August 5. Disagreement of the Commissioners. Submitted to the Umpire August 23. Award of Umpire.

Claim for 1,708*l.* 11*s.* 6*d.*, and interest at the rate of 6 per cent. per annum, from the 1st of March, 1854, being 28½ per cent., the proportion due by Venezuela of a debt of the old Republic of Columbia.

October 1, 1869.—The Umpire awarded the sum of 4,005 dollars 1 cent., with such interest from date as may be agreed upon.

65. *William Ackers Cage.*

Heard, August 2, 1869. Considered, August 5. Disagreement of the Commissioners. Submitted to the Umpire August 20. Award of Umpire.

Claim for the proportion due by the Republic of Venezuela, namely, 28½ per cent. on eight bonds, amounting to 16,000 dollars, together with the interest accruing thereon.

October 1.—The Umpire awarded the sum of 3,879 dollars 42 cents., with such interest from date as may be agreed upon.

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66. *Arthur Halle.*

Heard, August 3. Considered, August 6 and 7. Disagreement of the Commissioners. Submitted to the Umpire August 26. Award by Umpire.

Claim for 45,305 dollars 75 cents, and interest on ordinary shares of the Bank of Venezuela, titles of the 75 and 40 per cent., and notes of February, 1862.

October 8, 1869.—The Umpire awarded the sum of 45,305 dollars 75 cents, together with interest at the rate of 1 per cent. per month from the date of the securities, as specified in his award, to the 30th of June, 1866.

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67. *Henry Court and H. Borde.*

Heard, August 3. Considered, August 6 and 7. Disagreement of the Commissioners. Submitted to the Umpire August 26. Award by Umpire.

Claim for 11,250 dollars upon 45 ordinary shares of the Bank of Venezuela, and interest thereon.

October 1, 1869.—The Umpire awarded the sum of 6,058 dollars 87 cents, together with such interest from date as may hereafter be agreed upon.

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68. *J. A. S. Cipriani.*

Heard, August 3, 1869. Considered, August 6 and 7. Disagreement of the Commissioners. Submitted to the Umpire August 26. Award of Umpire.

Claim for 7,000 dollars upon ordinary shares of the Bank of Venezuela.

October 8, 1869.—The Umpire awarded the sum of 7,000 dollars and interest at the rate of 1 per cent. per month from the 1st of November, 1861, to the 30th of June, 1866.

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69. *Luciano Agostini.*

Heard, August 18, 1869. Considered, August 20 and 30. Disagreement of the Commissioners. Submitted to the Umpire September 1. Award of Umpire.

Claim for 1,465 dollars, and interest upon notes of August, 1860, and bonds of August, 1863.

October 8, 1869.—The Umpire awarded the sum of 1,465 dollars, and interest at the rate of 1 per cent. per month from and to the dates specified in his awards.

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70. *H. O'Callaghan.*

Heard, August 18, 1869. Considered, August 20 and 30. Disagreement of the Commissioners. Submitted to the Umpire September 1. Award of Umpire.

Claim for 11,105 dollars, and interest upon notes of August, 1860.

October 8, 1869.—The Umpire awarded the sum of 11,105 dollars, with interest at the rate of 1 per cent. per month, from the 2nd of August, 1860, to the 30th of June, 1866.

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71. *M. A. Elizondo.*

Heard, August 18, 1869. Considered, August 20 and 30. Disagreement of the Commissioners. Submitted to the Umpire September 1. Award of Umpire.

Claim for 3,773 dollars 50 cents., and interest upon titles of the 75 and 40 per cent. upon notes of August, 1860, and January, 1861, and upon notes of the Bank of Venezuela.

October 8, 1869.—The Umpire awarded the sum of 3,773 dollars 50 cents., with interest at the rate of 1 per cent. per month from and to the dates specified in the award.

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72. *Robert Syers.*

Heard, August 18, 1869. Considered, August 20 and 30. Disagreement of the Commissioners. Submitted to the Umpire September 1. Award of Umpire.

Claim for 4,620 dollars, and interest on notes of August, 1860, January, 1861, and February, 1862.

October 8, 1869.—The Umpire awarded the sum of 4,620 dollars, with interest at the rate of 1 per cent. per month from and to the dates specified in the award.

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73. *B. Daly.*

Heard, August 18, 1869. Considered, August 20 and 30. Disagreement of the Commissioners. Submitted to the Umpire September 1. Award by the Umpire.

Claim for 1,000 dollars, and interest on notes of the Bank of Venezuela.

October 8, 1869.—The Umpire awarded the sum of 1,000 dollars, and interest at the rate of 1 per cent. per month from the 1st of March, 1862, to the 30th of June, 1866.

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74. *Gilbert, Kerr, and Co.* (*No.* 1).

Heard, September 2, 1869. Considered, September 8. Award.

Claim for 9,275 dollars and interest thereon, making together 14,775 dollars 76 cents. upon a charter of the steam-ship "Regas Ferreos," to the Venezuelan Government.

September 8.—The Commissioners awarded the sum of 7,525 dollars, with interest at the rate of 6 per cent. per annum from the 13th day of December, 1864, on condition that Messrs. Gilbert, Kerr, and Co. shall deliver a more formal assignment to them by Peter Clark and Arthur Clark, their heirs, executors, or assignees, and by José Maria Larrazabal, his heirs, executors, or assignees, of any interest they may have had in the charter of the steamer "Regas Ferreos" to the Venezuelan Government for a voyage to Ciudad Bolivar, October 31, 1864, than now exists amongst the papers forming their claim.

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75. *Felix Labaday.*

Heard, September 9 and 10. Disagreement of the Commissioners. Point submitted for decision by the Umpire September 22. Considered, September 24. Award.

Claim for 8,148 dollars 15 cents. for horses, cattle, and merchandize seized during the war of the Federation.

September 24, 1869.—The Commissioners awarded the sum of 6,555 dollars.

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76. *The International Financial Society* (*Limited*).

Heard, September 11, 1869. Considered, September 14. Disallowed

Claim for 42,900*l.* sterling for an alleged breach of contract.

September 14, 1869. Claim disallowed for want of proof.

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77. *Gilbert, Kerr, and Co.* (*No.* 4).

Heard and considered, September 29, 1869. Disallowed.

Claim for 4,500 sterling for estimated profits on contracts for charter of the steamer "Regas Ferreos" for ten years.

September 29.—Claim disallowed by the Commission.

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78. *John Giuseppi* (*No.* 2).

Heard, September 23. Objected to by the Venezuelan Commissioner. Note of the Commissioners to the Attorney of Claimant, September 27. Reply, September 29. Commissioners resolve not to adjudicate upon the claim.

Claim for 512,413 dollars upon certificates of liquidation to bearer of shares of the Bank of Venezuela.

September 30, 1869.—The Commissioners resolved for the reasons set forth in the minutes of this day's proceedings not to adjudicate upon this claim.

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79. *Edward Brandt* (*No.* 3).

Heard and considered September , 1869. Objected to by Venezuelan Commissioner. Objection not admitted by British Commissioner. Reconsidered September 30. Award.

Claim for 5,850 dollars for cattle, horses, and mules seized by Government troops.

September 30, 1869.—Claim allowed by the Commission for 3,780 dollars.

The foregoing docket contains a correct Report of awards and judgments made on claims of British subjects against the Venezuelan Government after a full and patient examination thereof; and we hereby place our signatures to the same to be applied thereto in the same manner, and as fully as if severally affixed to each of said awards and judgments.

(Signed) LEWIS JOEL, *British Commissioner.*
JUAN DE D. MENDEZ, *Venezuelan Commissioner.*

JUDGMENTS AND AWARDS OF THE COMMISSIONERS AND UMPIRES UPON THE CLAIMS OF BRITISH SUBJECTS UPON THE GOVERNMENT OF VENEZUELA.

Francisco V. Bonttur.

Judgment of Dr. Mendez, Venezuelan Commissioner.

(Translation.)

THE sloop "Grace" was captured with a cargo at "Pedemales," mouth of the Orinoco, because on a voyage to foreign parts, having cleared from a port not open (habilitado) to exportation. The case having been submitted to the competent Judge, and defended in two instances by the master, Ruperto Garrido, the sloop and the cargo, of the value of 2,834 dollars, were definitively confiscated, and the master was condemned a pecuniary fine, according to law. Seven years afterwards Mr. Francisco V. Bonttur, who says he is a British subject, presents himself, complaining against the sentences pronounced, and claiming an indemnification of 25,000 dollars.

1. I begin by disacknowledging any right whatever on the part of Bonttur, for he did not figure, he would not figure, nor was there any absolute necessity according to law that he should figure in the trial; he did not prove, he would not prove, nor was there any necessity according to law, that any one should prove the ownership of the sloop and cargo, and because, far from its appearing from the process that he had had the purpose of saving any rights, in whatever respect, with reference to the trial, the process shows that he renounced all rights through an express and formal abandonment of the sloop and cargo, prior to the trial.

Let us examine the Law on Confiscations of the 21st June, 1865. A confiscation trial is of an official character, in which on the one side we find the fisc claiming not a material but a moral interest, not an indemnification but a punishment; and on the other, whosoever according to law represents the fraud for all the effect of the trial. It is of no importance for the sequel or sentence of the trial, that he who figures in opposition to the fisc, be or not the lawful owner of the objects of the fraud, or be the principal delinquent. Were this necessary, to go on with the case and sentence it, as is the citing of the person sued, in ordinary suits, certainly never, or very seldom, would the crime be punished or fraud corrected, for never or seldom would it be found out who was the rightful owner or the principal delinquent. The result of which would be that impunity being certain, smuggling would be guaranteed by law.

In effect, it suffices that there be some interested party, be the same called owner, supercargo, captain, master, who can be called upon, in conformity with Article 1, as defendant, in order to organize the tribunal, who can be interrogated, according to Article 4, and who can be notified that proofs in defence of the cause will be received, in conformity with Article 12. Nor is it even of absolute necessity that there should be an *interested party present,* because the 1st Article directs that the Judge may name the joint-Judge (conguez) in behalf of the interested party, be it (textual) that it has not been proved *who is* the delinquent, or that the same be absent or refuse to make the election;" because the 4th Article enjoins that "the declaration of the captain, or of any one else who may appear to be responsible for the fraud be taken; and because the 12th Article orders the notification of the act of proofs to be made "to all those who, being interested parties, should be *present at the Tribunal.*" Wherefore it is not at all necessary that the delinquent should be known, nor that some interested party should be present, in order that the tribunal be organized, the trial follows its course, and the sentence pronounced. But the interested parties may well, collectively or any one of them, present himself and defend the case. If the charges are disproved, the vessel and cargo are freed from confiscation, and if made good the vessel and cargo are lost; and he or the interested parties, or the delinquents, shall be condemned "*manucomum et in solidum,*" to pay the pecuniary penalties established by law.

In the case in question there was an interested party present, who was not Bonttur but the master of the sloop "Grace," Garrido, the same in whose favour were issued on the 9th of December, by Coronel Andrez N. Benairdes, at "Tabasca," the navigation licence and permission for exportation to the foreign island "El Tobago;" and the same who was in command of the sloop when captured at "Pedernales." Wherefore he contributed to the organization of the tribunal, was questioned, to him the act of proofs was notified, and he made a strong defence of the affair until the end.

Bonttur now appears claiming, through the diplomatic medium, as the owner of the cargo and co-proprietor of the sloop, against the sentences of confiscation because of notorious injustice. Any why did he not state in his declaration taken at Pedemales on the 12th of December that he was co-proprietor of the sloop, but, on the contrary, circumscribed himself to saying that he was the consignee of that vessel at Tabasca, in which character he could well embark cattle of his own for another's account. And why did he not present himself as an interested party in the trial, to justify his innocence and defend his property, being as he was in Guiria, the place where the process was being substantiated, and being perfectly aware of the latter fact, since he on several occasions appeared at the tribunal, owing to his having been cited to certain acts prior to that of receiving proofs in the cause? Why, instead of facing it, did he carefully eschew the action, pretending to save himself by means of a protest he said he had made since the 13th of December, as is clear long before the trial for confiscation had even been initiated, a protest which could give him no right against a legal proceeding, but which *certainly* [*sic*] did deprive him of all right to ulterior claims of whatever nature in reference to the trial, having expressed therein, which he afterwards ratified before the Tribunal, that he made a complete abandonment of the sloop and cargo?

Why? It is easily understood. . . . . Because, in addition to the inevitable loss of the sloop and cargo, he exposed himself to suffer, over and above the costs of the process in all the instances, the pecuniary penalties prescribed by law, and . . . . . better than upon himself that such sentences should weigh upon the master Garrido, since the responsibility affecting him was *in solidum* ("solidario").

With what title, then, under what pretext does Bontter now appear instituting a claim against the Republic, based upon his being subjected to notorious injustice in the sentences of confiscation of the "Grace?" Is there anything more notorious and repugnant than the injustice of such a pretension?

2. It is argued that the Tribunals did not accept, as would have been the case in other countries, the depositions of the sailors of the sloop in favour of the captain or master, and that it has not been sufficiently proved in the process that there was bad faith on the part of those qualified as delinquents ("contraventores") since they paid at Tabasca the export duties. Further on we will analyze these points. In the meantime let us examine what they are worth as respects the law of nations.

The mere enunciation of such arguments is enough to make us understand that they are no arguments in the case in question. A question now as to whether the intelligence which, for disacknowledging the impartiality of the evidence of a sailor in favour of his captain, was given to the article of the law on judicial proceedings, which disacknowledges the said impartiality in any one serving another, when the former deposes in favour of the latter, be the correct one or not, and another question as to whether the delinquents were innocent, according to the appreciations, more or less vague and arbitrary which may be made of their proceedings, are very far from being acceptable reasons, according to international law, in support of diplomatic intervention for notorious injustice. It is well known that notorious injustice, or a manifest denial of justice, supposes a judicial fault, which consists in the evident violation of substantive ("substantivas") or adjective ("adjectivas") laws, the observance and application of which cannot be prescinded, is obligatory in the case which is being ventilated. If, therefore, in the trial and sentence in question no characteristic fault of injustice of a similar nature can be cited, and if the justice which is brought under discussion is that which was already defined by a criterion more or less severe with respect to the proofs, and by an intelligence more or less discreet of the law, there is no room for Diplomatic protection. These principles are too well known, and for that reason I am willing to limit myself to presenting the very respectable authority of Vattel. . . . "And as the administration of justice," he says, "necessarily requires that every definitive sentence, regularly pronounced, be esteemed just and executed as such . . . . . the Sovereign of these litigants (foreigners) cannot hear their complaints. To undertake to examine the justice of a definitive sentence is an attack on the jurisdiction of him who has passed it. The Prince, therefore, ought not to interfere in the causes of his subjects in foreign countries and grant them his protection, excepting in cases where justice is refused or palpable and evident injustice done, or rules

and forms openly violated, or, finally, an odious distinction made to the prejudice of his subjects or of foreigners in general. The British Court established this maxim with great strength of evidence on occasion of the Prussian vessels seized and declared lawful prizes during the last war."—§ 84, Chapter VII, Book II.

3. Let us go over the course of proceedings followed, and make ourselves acquainted with the legal dispositions invoked by the Tribunals.

The sloop "Grace" having been captured, as we have said, at Pedernales on the 12th of December of 1861 with a cargo and on her way to the Island of Tobago, having been despatched at Tabasca, a port not habilitated ("habilitado") to that effect, according to the 2nd Article of the Decree of the 3rd of November of 1856 respecting the habilitation ("habilitacion") of ports, and in contravention to Articles 1, 4, 5, and 9 of that of the 6th of November of the same year, on the regimen of Custom-houses with respect to exportation, the said sloop was sent on the same day to the port of Guiria, which was the nearest one habilitated, according to the 7th number of the 6th Article of the Decree of the 18th of November of 1856 respecting coast-guard; "resguardo maritimo"), the formalities of the 7th Article of the same Decree having previously taken place; and the Administrator of the Custom-house of that port, in fulfilment of the 7th Article I have just cited, and also of the 1st and 3rd of the Law on Confiscations, submitted the case on the following day to the Cantonal Judge who, with two residents of the place as associates, carried on the case, faithfully observing Articles 1, 4, 5, 9, 12, 13, and 15, until it was sentenced, in first instance, on the 28th of December, in the form prescribed by Article 16; and in second instance, on the 3rd of February of 1862 in the form prescribed by by Articles 16 and 18, all of them being Articles of the above-mentioned Law on Confiscations.

In the sentence of first instance, which was confirmed in all its parts by that of second instance, we have already seen that the sloop and cargo were declared to be confiscated. Moreover, the master Garrido, in that of first instance, was fined 2,000 dollars, and furthermore condemned to an imprisonment of two years, and in that of second instance the said master was condemned to pay double the amount of the export duties, and it was moreover decided that, deducting therefrom whatever was due to the national revenue, the surplus thereof and the value of the vessel and other effects confiscated should be distributed amongst the captors. The first sentence was based on Articles 21 and 27; and the second, for the additional penalty, on the 24th Article, and for the distribution of the values on the 39th and 41st.

We have already seen that Article 21, in addition to the loss of the vessels and effects, directs that transgressors be condemned to the penalties established in the Articles which follow it. Article 27 says:—"In the cases of the 10th number of the 2nd Article the captain shall moreover pay a fine of 2,000 dollars or be subjected to an imprisonment of two years." The following (Article 2 and No. 10) say (Article 2):—"Shall be subjected to the penalty of confiscation . . . . all native or foreign vessels proved to have made voyage from the ports or coasts of the Republic to any foreign port or place, the said vessels not having been legally dispatched, and all vessels native or foreign, proved to have made voyage from foreign parts to a port or point of the coast not habiliated ('habilitado') for importation." Article 24 says:—"In the 6th case of the 2nd Article *de manucomum et insolidum*, the captain of the vessel and the owner of the effects shall be subjected to the penalty of paying double the amount of the duties;" and the said 6th case comprizes "all the cargo of whatsoever vessel . . . . already embarked or being embarked, or which it is attempted to embark, without a manifest or the written permission from the respective Custom-house or competent authority in the ports not habilitated, coasts . . . . rivers, and islands, ... in canoes, boats, or launches, whatever their size." Article 39 says:—"The things confiscated belong to the informers or captors and shall be distributed amongst them in equal parts, &c." And Article 41 says:— . . . . "but even when multiple duties are paid, whatever be the excess over and above the natural duties shall be distributed amongst the participants decreed by law.

4. Let us examine whether the point respecting the want of impartiality on the part of the sailors declaring in favour of their captain has been correctly appreciated by the tribunals.

And here we must call attention to the circumstances that the setting aside ("prescindencia") of the depositions of certain witnesses by the Judge was not not in an absolute manner. The same depositions have also been qualified as *null* and disregarded as *singular* under the *adversative* condition. Further on we will analyze these two phases of the depositions; meanwhile we will continue the question respecting the point of impartiality.

In the first place there is no necessity to occupy ourselves with the declarations of Garrido and Bonttur—the former is the litigant transgressor, the latter is the interested party, the consignee at Tabasca, who despatched the sloop knowing that he could not do so, and the same who confessed himself to be the owner of the cargo, the supercargo, and co-proprietor of the sloop, and who, with such characters, would not defend himself.

In conformity with the confirmed sentence of first instance, I dismiss the declarations of the sailors Francisco Mendoza, Toribio Pinto, and Johnny Taylor, in so far as they are favourable to the master, Garrido, because a sailor in Venezuela is, with respect to his captain, in the same condition as that of a servant with respect to the person he serves; and the 31st Article, 4th Law, Title the 1st of the Code of Proceedings, declares a servant to be legally able ("liábil") to testify "against the person in whose service he is, *but never in his favour.*" A sailor, the same as a servant, hires his continuous services for a periodical remuneration; both of them owe to their respective superior, naturally and legally, obedience and respect; and there even is, and must be a greater extent of authority in a captain, and more obedience in a sailor, than respectively there must in a master of a house and the servant in it, as much because the sailor always has his services contracted for a stated period, and for the very same reason is less at liberty to leave, as that from the exceptional position the captain has at sea, where his own energies and forces have ordinarily to supply the place of the authority of the law, and of the employé that carries the same into execution. It is, moreover, an observed psychological phenomenon: the moral enervation of a man is in a direct ratio with the subordination of his person to another person, even to the extent of complete nullification ("anulacion"). Thus, it frequently happens that a subordinate arrives at feelings grateful to his superior not only for *good treatment* but even for *not being ill-treated,* and considering the same a generous concession. And it is another phenomenon: the community of sufferings and perils in a body of men creates between them powerful moral attachments, the greater and firmest from the inferior towards his superior.

If, therefore, the reason why our law does not attach any value to the deposition of a servant in favour of the person to whom he lends his services, is the supposition of a want of impartiality because not independent, owing to respect, fear, gratitude, o affection, that reason acts with greater force in making unacceptable the deposition of a sailor in favour of his captain. "Ubi eadem est ratio, eadem est jures dispositio. Semper quasi hoc legibus in esse credi oportet ut ad eas quoque personas et ad eas res pertinerent, quæ quandoque similes erunt." (Dig.)—and let us base no arguments on what is observed in other countries. The witnesses which, according to our laws, must be discarded in the sentence, may be accepted by a jury which sentences at discretion. If in Venezuela a judge bases a sentence on the desposition of a gambler by profession, of a vagrant, of a minor under fifteen years of age, of a relation within the 4th civil degree, &c., assuredly the sentence is revoked if the defect it labours under is well proved. There is hardly any occasion to speak on this subject.

5. Let us now formalize the charges in strict conformance with the process, and note the countercharges:—

First Charge. The sloop "Grace" left Tabasca, a port not open ("habilitado") to exportation on her way to Tobago, without having been legally despatched (Article 2nd No. 10), and a cargo had been embarked on board of her without a manifest and without a permission in writing from a Custom House or a competent authority (Article 2nd No. 6). It is thus proved by the declarations of Garrido, the master; of Bonttur, the consignee; and of the sailors, Mendoza, Pinto, and Taylor. And it thus appears from a license of navigation and of a permit ("gnia") of exportation for eighteen head of cattle issued on the 9th of December by Colonel Andres N. Benavides, a Revolutionary Chief who was in that port, in favour of the above-mentioned master, Garrido.

Second Charge. The same sloop made voyage from Trinidad to the fort of Tabasca, not habilitated for importation (Article cited No. 10). It is thus confessed by the same persons, although presenting excuse, as we shall see.

To justify himself against the first charge the Master has tried to prove with witnesses, 1st. that the Federal authorities in Tabasca would not give a license nor despatch for Barrancas or any other place occupied by Government forces; and 2nd, that the same authorities would not have allowed the sloop to leave in ballast out of their interest to collect the export duties; and—

To justify himself against the second charge he has also tried to prove with witnesses that the sloop having been duly despatched by the Administrator of Port of Spain for Barrancas, an habilitated port of Venezuela, and whilst on her way to her port of destination, she was seized in the Manamo branch and taken to Tabasca by two Federal skiffs (large canoes armed) under the orders of Commandant Cruz Garcia,

6. Let us examine the defence and apply the legal criterion.

Points referring to the first charge.—In the first place, these points being proved, the charge would always remain, in all its force and vigour, because from the circumstance of the Military Chief of Tabasca not giving permission for the sloop to leave for another port occupied by the Government, in order to be legally despatched, and that he should neither have allowed her to leave in ballast because of the interest he might have in collecting the export duties, we do not deduce as a justifiable consequence that the sloop had to leave with a cargo on board and be despatched for foreign parts. And let us not be told that the Chief Benavides had a special purpose, distinct from his interest in the above-mentioned duties, as it has neither been alleged nor can it be understood.

In the second place, personal evidence on these points, in the manner it has been brought forward and carried out, is on the whole superfluous. It would have been efficacious had it referred to the fact of an explicit denial on the part of Benavides to a request of Bonttur or of Garrido in either respect. It is not with judgments, opinions, and conjectures of witnesses, but with the affirmations of witnesses respecting facts which have taken place and which they have seen, that you can shake the facts constituting the charge.

In the third place, with respect to the first point, the sailors Mendoza and Pinto declare; the first (folio 34) says he knew it because it was publicly notorious and through Commandant Cruz Gracia and Colonel Vallenilla; the second (folio 36) says that he knew it because the Chief who took the sloop to Tabasca told him, "that at Barrancas there was not any one to despatch" (the sloop); and when cross-questioned by the Fiscal he added, "that the Master wanted to go to Barrancas, but when he was told that he could load at Tabasca he remained quiet, and all . . ."

With respect to the second point, the same sailors, Mendoza and Pinto, and, moreover, Taylor declare; the first (folio cited) says that he knew it because it was publicly notorious, and refers himself to a Commandant whose name he does not know; the second (folio cited) says that he heard Commandant Garcia and Colonel Vallenilla saying that there itself (at Tabasca the sloop) might be despatched for Trinidad; and the third (folio 39) in all refers himself to what he heard from the others on board with him (the other sailors). Thus all of them are hearsay witnesses, and moreover, Pinto on both points proves contraywise, because far from favouring the impression that it was impossible to go to an habilitated port and despatch the sloop in ballast, he favours that of a free determination on the part of the Master to remain at Tabasca, to load the sloop there and leave for foreign parts.

Point referring to the 2nd Charge.—Edouard and Frederick Pimentel Gregorio Cuevas and Vicente Aloy, declare in a first interrogatory; and the above-mentioned sailors, Mendoza, Pinto, and Taylor, declare also in a second interrogatory, as well as the boy (Nino) Felipe Mejias, a minor under 15 years of age, whose deposition is of no value whatever (Article 29, Law 4, title 1, Code of Proceedings). And a certificate, moreover, has been presented, issued by the Administrator of the Custom-house of Port of Spain, under date of the 21st November, and a testimony issued on the 20th December by the Consul of Venezuela at the same port, respecting an entry in the respective book of a Bill of Health, issued on the 20th of the said month of November for the sloop "Grace."

Although that part of the proofs having reference to the lawful clearance and destination of the sloop contains much I might object to, I do not wish to delay on this subject, in order to occupy myself with the most important part of the point in question.

In the first place, the witnesses of the first interrogatory are asked whether it be true that on the 28th, and those of the second interrogatory, whether it be true that on the 29th of November the sloop was captured in the Mánamo branch. The alleged capture ("el Erecho") is undoubted false, as it is impossible that the fact could take place on two different dates. Most assuredly to the guilty conscience of the accused is owing that so valuable a proof of the falseness of the allegation escaped him.

In the second place. With respect to the first interrogatory; E. Pimentel (folio 26) says that he knew of the capture from hearsay; and adds that the sloop proceeded to Barrancas, because he saw a letter of the master addressed to Bouttur (at Tabasca), advising him that he was going to Barrancas, because he had heard that Tabasca had been occupied by the Federals. F. Pimentel (folio 27) says, that he knew of the capture from Colonel Vallenilla, but did not know by what Chief nor where, nor on what day it took place. Cuevos (folio 25) says that he knew of it through Commandant Garcia, and that he did not know whether it took place going to or coming from Tabasca, or whether the sloop was or not. Aloy, answering a question in which he was exclusively

concerned, respecting the fact that the master of the sloop had requested him at Pedernales (when coming from Trinidad) to write a letter for him to Bonttur, advising him that he would go on to Barrancas by the Manamo branch, says (folio 28) that it is true, and that in effect the master, whose name he did not remember, owing to the information he had given him of the occupation of Tabasca, resolved upon going to Barrancas; and cross-questioned by the Fiscal respecting the capture he said that he knew nothing about it.

Thus none of the witnesses were eye-witnesses to the capture. The three first testify from hearsay, and this very vague and varied; and, moreover, the depositions of E. Pimentel and Aloy not only strongly argue against the purpose of *not going* to Tabasca; but that these witnesses, whilst specially acquainted with the circumstances of the voyage of the sloop, the one is nevertheless absolutely vague in his declaration as respects the capture, and the other absolutely unacquainted with the fact.

With respect to the second interrogatory, the sailors Mendoza and Pinto declare (folios cited) that the sloop was captured in the Manamo branch on the 29th November; and Taylor (folio cited) that she was captured, but he did not know by which Chief, on what date, nor where; Mendoza and Pinto after affirming that the capture was on the 29th November, answer the Fiscal that they did not remember the date. Mendoza, in reply to the Fiscal respecting the manner in which the sloop was taken to Tabasca, says she was *taken in tow* by the Federal skiffs; and Pinto, in reply to the same Fiscal, on the same subject says "that they all got on board the sloop, and hauled her up the river by means of ropes (à la espia), placing the canoes or skiffs astern. According to Mendoza's version the sloop was towed by the skiffs (or large canoes armed): and according to Pinto's verson, the skiffs astern of the sloop, the latter with all the crew of the skiffs on board of her, was hauled up the river by means of the *tow-line*, at which all of them on board pulled (and which probably was secured up the river by means of the sloop's boat). Well, then—

1st. Mendoza and Pinto have contradicted themselves in affirming in one place that the date of the capture was the 29th November, and in another, that they did not remember that date. Their depositions, therefore, are unworthy of credit (Law 41 title 16, Part 3).

2nd. The same sailors have openly disagreed as to the manner in which the sloop was taken to Tabasca. Therefore their respective depositions stand as solitary ones ("singulares"), under the opposing ("obstativa") or adversative ("adversativa") condition, according to the distinction by expounders ("expositores"), or what explains the same; the moral integrity "integridad") of the complex fact of the capture and taking of the sloop to a certain place is not defined and made precise by similar versions; and in that case neither one or the other have any value (Law 28, ibid).

3rd. The declaration of Taylor does not determine either the date (el tiempo"), or the place, or the Chief, not because he did not remember, but that he *did not know*, and, moreover, is in no way whatever supported in the process. It is, therefore, at most an indication "indicio" (Law 32, ibid).

7. But even supposing the sloop to have been taken in whatsoever manner to Tabasca by the Federal skiffs, are the circumstances which would characterize as a real capture the act thus qualified, and which it is said took place at Mánamo, at all proved? In no manner. It would have been necessary that the examination and depositions of the witnesses should have had reference to the following circumstances—that, in trying to escape, the sloop had been overtaken; that, in some manner, she was ordered to surrender; that she was boarded by the Federal skiffs; that there were threats of such a nature that the master understood that any resistance would have been of no avail, &c. There is, therefore, no evidence—I will not say of real compulsion on the part of the crew of the skiffs, but even of there having been the slightest motive for fear on the part of the master.

And not only is there no reason to believe in a real capture, but that everything tends to persuade that the best understanding aud harmony prevailed between Bonttur, Garrido, Gil, the sailors, the crew of the skiffs, the Chiefs Garcia and Vallenilla, and also Colonel Benavides, who was the Chief at Tabasca.

In effect, why did Bonttur, Garrido, Mendoza, Pinto, and José Cleto Gutierrez (who was also a sailor) remain silent in the preliminary proceedings of the 12th of December, respecting the serious fact of the capture and taking of the sloop to Tabasca; a fact which it is easy to understand could have been made use of to give some explanation with respect to the charge on account of the sloop having cleared from that port for foreign parts? Why was there no proof formalized in the interrogatory of the sailors with respect to the master, Gil, having made some resistance, some opposition, or

that some phrase had escaped him at the moment of the said capture, showing that the act was an unexpected and surprising one to him? How can the declaration of Alloy be explained, stating in one case that the master, with whom he had spoken at Pedenales, being informed of the occupation of Tabasca, had resolved to go to Barrancas; and in another, that the said master, before resolving to go to Barrancas, had told him he was going to Barrancas? Why did Bonttur, who affirms that, when he heard that the sloop had been captured, he had gone to Colonel Benavides to prove to him his rights and "to protest, if necessary, against that outrage," why did he not make any such protest and even did not make it appear in any manner that he had made any such statement to Benavides? How is it that Bonttur *could not* do this, if not as a recourse against the captors, as a declaration of innocence, and yet *could* hasten to formalize a protest at Pedernales, abandoning the sloop on the 13th of December, when the investigation had hardly commenced as to whether there was or not sufficient cause for a suit for confiscation of the sloop? What is the meaning of the sloop being convoyed as far as Pedernales by two large armed canoes of the Federals to save her from being captured by the Government forces, a convoy which would have proved effective but for the presence of a steamer and superior forces of the Government?

8. It is argued that in 1861 the Republic was at war, and that, therefore, the *de facto* authorities of Tabasca were lawful ones for foreigners, and that Bonttur's sloop could well have been dispatched from that place. The effects of a *fiscal* suit for *confiscation* must not be confounded with those of an imaginary one respecting *war prizes*. Had the suit in reality been respecting the sloop being a *prize* or not, never would a better prize been declared than the sloop "Grace," as she was found at Pedernales on the 17th of December, nor any one more properly made a prisoner than Bonttur and Garrido. Had even a Decree or Resolution of any one or those in function as the Government of the Revolution in December of 1861, habilitating the port of Tabasca, been cited, I might be excused for entering into some discussion on the subject, which could never be justified on my part in a matter on the whole foreign to the suit and sentence for *confiscation*. No, I cannot now agree to enter into a discussion respecting a case of *confiscation* sentenced and carried into execution upon bases having reference to an imaginary case relating to *prizes*, because I would to-morrow have to agree to a discussion on a case sentenced and carried into execution relating to *prizes* upon bases having reference to an imaginary case of *confiscation*.

9. Annexed to the minutes of proceedings ("expediente") appear a certificate of Señor Toma Garcia, as the Administrator *ad interim* of the Custom-house of Barrancas, dated the 20th of May, 1862; and a note of Colonel Andres N. Benavides, dated the 30th of November, 1862, addressed to Bonttur. These documents were not brought forward in the suit, and therefore no one has the right to take them into consideration to resolve the question in ventilation respecting notorious injustice.

Could the said papers be taken into consideration they would in result prove contrarywise. The former, because showing that Bouttur having, from Tabasca, consulted the above-mentioned Administrator, in December of 1861, as to whether he might despatch the sloop "Grace" from Uracoa or Tabasca for Trinidad, "notwithstanding," as he says, "that the enemies" (Federals) "are in the suburbs of those parishes, he obtained a flat negative in reply; and the latter, because one skiff, the 13th of November, is mentioned therein" (contrary to what is declared respecting two in the suit),—"as finding and taking—the sloop to . . . . . " (contrary to what was declared respecting capture); and because in all the rest of its contents it is explicitly expressed that the sloop had full guarantees and perfect liberty of action. This document bears the appearance of not having been written on the 30th of November, 1861, but on some other date of 1862. It was probably applied for in June 1862: they placed the date, 30th November, which was of importance to the interested party, and from habit the writer added the current year 1862 (it is not probable that a person writing should inadvertently date with a year yet to come). We can thus explain how the British Vice-Consul at Barrancas could certify the authenticity of the signature of Benavides on the 20th of June of 1862.

Mr. Francisco V. Bonttur.

Judgment of Mr. Joel, British Commissioner.

This is a claim for the value of the British sloop "Grace" and cargo, and for damages and prejudices caused by her alleged wrongful capture and confiscation.

On the 21st November, 1861, the sloop "Grace" duly cleared in ballast from Port of Spain, Island of Trinidad, for Barrancas, a port on the Orinoco, having on board, in addition to the necessary clearance papers from the authorities of Port of Spain, the usual certificate from the Venezuelan Consul resident at that place.

On the 29th November, while ascending the Manamo branch of the Orinoco, the "Grace" was boarded by two armed canoes under the orders of Commander Cruz Garcia, and taken to Tabasca or Amador, where she was released by order of the Colonel-in-chief, Andres N. Benavides, who, in notifying the consignee of the vessel's release, concludes his note in the following terms, (accompanying document marked No. 4 B):—

. . . . . "And it being the aim of the Federal system to guarantee property and to respect the Treaties entered into with foreign nations; and, moreover, also to protect commerce and navigation, if lawfully carried on, it is hereby decided that you may dispose of your vessel. I have also to state to you that you may load the same in any way possible, provided you pay the respective export duties."

In consequence of this notification by the *de facto* authority of the port, the captain of the "Grace" was induced to take on board eighteen head of cattle and twenty-five hides, on which he paid the export duty as prescribed by the tariff, the receipt for which (document marked No. 4 A) is herewith transmitted.

The "Grace" cleared from Tabasca on the 9th December and proceeded to Pedernales; and while at anchor there (the crew being engaged in cutting grass for the maintenance of the cattle on the voyage from the Main to Trinidad, as is customary), was boarded by a boat from the war steamer "Orinoco," and, notwithstanding that the Captain of the "Grace" exhibited to the officer in charge his clearance from the authorities of Tabasca, the receipt for the export duties paid on the cattle and hides, as well as his clearance from Port of Spain and certificate from the Venezuelan Consul there, his vessel was forcibly taken possession of, under the pretext that the cattle had been smuggled, taken in tow by the "Orinoco" and brought to Guiria, where a Court was held, the vessel and cargo condemned, and the Captain sentenced to a fine of 2,000 dollars or two years' imprisonment; and the sentence of this Court was upheld on appeal to the Tribunal of First Instances of Cumaná.

These are the facts of the case; and, in my judgment, the capture was unjustifiable, and the condemnation of the vessel and cargo contrary to the law and every principle of justice.

The first step in the downward path of wrong is taken by the Commander of the "Orinoco," in taking forcible possession of the "Grace" and towing her to Guiria. The second is taken by the Administrator of the Custom-house there, who, instead of releasing the vessel or consulting his Government on the exceptional character of the capture, proceeds with indecent haste to obtain her condemnation. The last, and most notable, is that of the Judge who confiscated the vessel.

That the "Grace" sailed from Trinidad on a lawful voyage is incontrovertible, and there can be no better proof of honesty of intent than in showing that this voyage was in regular sequence to four preceding voyages, the "Grace" having loaded at Barrancas on the 17th July and 20th August, and at Pilones, with the permission of the authorities of Barrancas, on the 19th September and 20th October, 1861, as proved by document marked No. 5.

It may be argued that she ought to have proceeded to her port of destination, but it must be borne in mind that the authorities at Tabasca would not permit her to ascend the river, and that it is a matter of history that in December, 1861, the third year of the war of the Federation, Barrancas, the port of destination, was also in possession of the Federal party, and that it is not pretended that commerce, either in the Manamo branch of the Orinoco, or at Barrancas, was either then, or at any subsequent period, interdicted by the Government at Caracas.

It may also be argued that the "Grace," under the circumstances, ought to have left Tabasca without taking in cattle. No doubt it would have been more prudent to have done so, but to have returned to Trinidad without taking in cargo would have entailed a severe loss upon the owners, which the captain was naturally anxious to avoid; and even supposing that the captain did wrong in taking in these eighteen head of cattle, it cannot be denied that the punishment meted out was terribly hard and disproportionate compared with the wrong alleged to have been committed; but it must be borne in mind that the legal export duties on the cattle taken on board were paid to the authorities *de facto* at the port of lading, that everything was done openly and without any attempt at concealment. Where, then, is the proof of smuggling? To smuggle is secretly to export or import dutiable goods without paying the duties imposed by law. The duties in this case were paid, and the Commander of the "Orinoco" or the Administrator of the

custom-house at Guiria at most could have demanded a repayment of these duties, which the captain of the "Grace" could have paid under protest, reserving to himself the right to claim their return. But no, the Commander of the "Orinoco" and the Administrator of the custom-house at Guiria were both interested parties, as we shall presently see, and precedent was against any such demand for repayment of duties, as I am informed the Federal party under General Aguado held La Guaira for some time in 1859, and when retaken the Government at Caracas made no demand on the merchants of La Guaira for a repayment of duties paid by them during the period the Federal party were in possession of that port.

We come now to the sentence of the Court held at Guiria, which confiscated the vessel and cargo, and condemned the captain to a fine of 2,000 dollars or two years' imprisonment; and it will be well to compare the judgment of this Court with the sentiments expressed by the Federal Colonel Andres N. Benavides in releasing the vessel at Tabasca.

That the Judge in passing sentence was morally convinced of the injustice he was about to commit is proved by his own words, as he starts with the hypothesis that the judgment he is about to pronounce may give rise to an international question, and he elaborates this idea as follows:—

"The Tribunal in sentencing this case is well aware of the moral and pecuniary responsibility it may incur, is aware that its decision may give rise to an international question, and is also aware that in such a case the Republic would have to come in contact with a Power extremely sensitive to the interests of its subjects, as from the increase or detriment of the same arises the increase or diminution of mercantile transactions, the sole basis of its economical system."

Would a judge conscious of the rectitude of his purpose, strong in the faith of the justice he was about to administer, have premised the judgment he was about to deliver with remarks like these? Does not this very introduction show the inward conviction he felt that his judgment would be questioned, would be the subject of an international claim by reason of its partiality, its sophistry, and its straining of every point of law, so as to show a colourable pretext, false in law and false in fact, to enable him to condemn the vessel and cargo? I think a brief review of the judgment will clearly prove this.

The Judge proceeds to say, "The depositions in the 'Sumario,' having been taken without the requisite formalities by the Commander of the steamer 'Orinoco,' are of no value in law (Art. XXXIV, 4th Law, 1st Title of the Code of Judicial Procedure). The depositions of Bonttur, although ratified under oath, are of no avail either, he having declared that he was an interested party (8th Law, 16th Title, 3rd Part). Those of the Master Ruperto Garrido, are in the same case, because, being the Chief of the vessel, his declaration in his own cause is of no value, according to the same law, and, finally, those of the sailors are radically vitiated, because, in addition to their wanting impartiality, as explained by Escriche in his doctrine respecting personal evidence (the 4th Law, 1st Title, 31st Art. of the Code of Judicial Procedure) declares servants unable ('inhabiles') to bear witness in favour of their owners ('duénos'). It may be argued that sailors cannot be so called, as neither Gregorio Lopez, in his Glossaries, nor the Dictionary of Legislation, nor the Spanish Codes of Commerce, nor the Home Legislation ('Leiges Patrias'), call a sailor a servant, but in this case ('situacion'), and aiming at giving designations ('calificaciones') according to the principles of legislation, we would, without effort, deduce that, for the effects of law, sailors may be considered servants, be it on account of their serving in the dwelling or house of a captain, which is his vessel, be it on account of the amount of the salaries which are in proportion with those of servants ('domesticos'), be it on account of the rights that their state of dependence give to those to whom they have engaged their services, or be it from the degree of delicacy and monetary position of those engaged in the duties of sailors. These assertions are confirmed by the doctrines of Domat, who, in his *Civil Laws*, states: 'Those who are under the dependence of him who wishes to make use of their testimony may not declare,' and, by the author of the Manual del Abogado Venezolano, which establishes that an individual may not be a witness for a person on whom he should be so dependent, that it is not probable he would otherwise bear witness but in the form demanded (13th Title, sect. 7th). Nevertheless, under the supposition that the depositions of the sailors, as competent witnesses ('legitimad de personas'), should be placed in the balance of justice, they would be null and void, according to the 41st Law, 16th Title, 3rd Part, from their having contradicted themselves on essential points. But, supposing they had not contradicted themselves, they would still be singular ('singulares'), and their asseverations would not be valid in law ('no havian fé'), because their singularity ('singularidad') would be of an adversative ('adversativa') and not of a cumulative ('cumulativa') character, which,

according to Tapia, is the only kind of evidence which can in such cases fully establish a proof. The deduction, consequently, is, that under all points of view, the depositions of sailors are of no avail according to law."

Do these remarks read like the sentence of a Judge who had carefully weighed the evidence in the case, and who was anxious to mete out justice tempered with mercy, or like specious special pleading in favour of the confiscation of the vessel and cargo?

The evidence of the sailors clearly proved that the captain's proceedings were *bonâ fide* throughout; and, if admitted, the vessel and cargo must have been released, so to effect the purpose of the Judge, the evidence of the sailors had to be declared inadmissible; and it is notable that neither the "Procurador" of the nation, or the Judge, objected, either before the sailors had given their evidence, or at any subsequent period anterior to the delivery of the sentence of the Court, to the reception of their evidence. Had they done so, it would have given the advocate for the captain and owners an opportunity of arguing the point; and it is still more notable that this point on which appeal is made, the point vital to the applicants, is passed over in silence by the Court of Appeal, which, to mark its *virtuous indignation,* confirms the sentence of the Court of Guiria, with the addition of a fine of double the amount of duties it is pretended ought to have been paid, half to go to the National Treasury, *the other half, together with the proceeds of the sale of the vessel and cargo to be placed in the hands of the Administrator of the Custom-house at Guiria, to be by him divided amongst the captors.*

The sailors were not made parties in the case; and it was not pretended either by the "Procurador" of the nation, or the Judge, that they were *participes criminis;* but it is on the ground that they were domestics that their evidence is declared invalid; and this conclusion is arrived at by the wonderful chain of reasoning, that a vessel is a captain's house, and that sailors being employed on board, must necessarily be his domestics, and therefore incompetent, not by the Spanish codes of commerce in force in this Republic, nor by the laws of the country, but by this extraordinary deduction, to declare the facts under oath, because those facts were favourable to the case of the captain and owners.

I contend that the weight of the authorities quoted by the Judge himself are in favour of the admission of the sailor's evidence, and that the ruling of the Judge was contrary to law and every principle of justice, and that therefore the claimant has a right to recover, through the medium of this Commission, the value of the vessel and cargo wrongfully confiscated, as well as a fair compensation for the injury sustained.

There is a clerical error in the document No. 4, B, which, however, is of no importance, as the error is self-evident, and proved by the succeeding line of the same document. It is in the date which reads, "Novembre 30 de 1862," which should have been "1861," as proved by the line which follows, "Ano 3, de la Federacion," which was 1861; and further proved by the certificate appended to the document by the late Major Mathison, British Vice-Consul at Ciudad Bolivar, on the 20th June, 1862, while, on an official visit to Barrancas, thus showing that the document must have been issued in November 1861, and not 1862; and still further proved by documents of the same nature, presented to the Court in Guiria, December 13, 1861, which form part of the proceedings of that Court.

Mr. Francisco V. Bonttur.

Judgment of Señor Mora, Umpire.

Caracas, June 2, 1869.

In this case of Mr. F. V. Bonttur, subject of Her Britannic Majesty, my award is, that the Government of Venezuela pay to him, or his legal representatives, the sum of 13,000 dollars (pesos, legal currency of Venezuela), for the value of the sloop "Grace," and its cargo, and for all losses, damages, and consequences whatsoever, arising therefrom.

(Signed) GUILLO. TRIBARREN MORA,
Umpire by Lot.

To the British Commissioner in the Mixed Commission
of British Claims on Venezuela.

Mr. Oliver Romberg.

Judgment of Dr. Mendez, Venezuelan Commissioner.

(Translation.)

In February 1859, Mr. Rupert Beauperthuy passed over to the citizen Simon Nuñez in payment of the sum of 600 dollars, amount due to this latter, being balance of a liquidated credit, the right of reclamation for injuries inflicted on his estate "Monte Cristo," owing to the Revolution of 1853.

Nuñez at once took advantage of this transaction, and with a justification *ad pepetuam*, which he instituted respecting certain forces under the orders of General José Tades Monàgas, which in July of that year were encamped at a distance of a fourth of a league from the said estate, occasioned thereto injuries to the amount of 3,239 dollars, entered into a suit against that General, who at the time did not reside in the Republic, and the suit being continued with the intervention of citizen Luis Mijares Crespa, officiating on behalf of the absent party. Nuñez obtained a sentence in April 1860, by which the defendant was condemned in the payment of the 3,239 dollars, together with interest from July 1853 up to the date of payment, at the rate of 1 per cent. per month, and thus obtained a mandate of execution on the properties of the party condemned. Afterwards, (April 28, 1860) an arrangement was entered into between Nuñez and Mijares Crespa, in which it was estipulated that the debt should be paid (5,894 dollars), together with 371 dollars 25 cents for expenses, by means of cattle taken from the "Tigre" (a stock estate belonging to General Monàgas), which Nuñez would receive at the price of 5 dollars per head, not to be under 1 year old, the expenses of their collection being for his account. This arrangement was approved of by the Judge of the cause on the 1st of the following May.

Thirty-four months after, (February 12, 1863) Romberg makes a representation to the Government of Maturin in opposition to a resolution of that Government which forbad the extraction of cattle from the "Tigre," showing that he was owner of the rights of Nuñez, and that being occupied in pursuance of said rights, he had suffered interuption in his work through the above-mentioned resolution, and thus subjected to considerable loss; and he presented, together with the titles of Nuñez, a document of a private character in his favour, signed by Nuñez, under date of December 30, 1862. The Governor maintained his Decree (14th February), and said that its principal bases were that the cattle had been taken from the "Tigre" by the authorities for the public use, in conformity with the Decree of the 4th of April 1859, and in conformity with the law of the 13th of July, 1860, it being left to the plaintiff to repeat against the values for which, on this account, General Monàges had been given credit, in consequence whereof Romberg made his protest (February 18), which protest remained valueless as to its effects, inasmuch as no person was notified in respect thereto. Such are the facts.

It is natural to inquire at once, why did Romberg not present his claim in 1863? Why did it not appear among the affairs which in 1865 occupied the attention of Mr. Edwardes, or why had not the Government of Venezuela even knowledge of its existence? I cannot reply to these questions; but to judge from the nature of the case it appears that some special opportunity was waited for, which was found in the meeting of the present Commission, to which it has just now been sent after a lapse of six years.

It is not my province to investigate what are the rights of Romberg, nor against whom he should exercise them according to the laws of the Republic. I prescribe myself to sustaining that this claim ought not to be treated diplomatically, and that therefore it should not be resolved upon by the Mixed Commission of which I form a part. Let us enter upon the question.

Can the purchase made by Romberg be considèred as part of his property of which he was despoiled by the Governor of Maturin for public use? By no means.

Romberg did not purchase, in fact, cattle; and even had he so purchased, there is no evidence that the purchaser, being in full and peaceable possession of cattle, these had been taken away from him by orders of the Governor of Maturin.

What Romberg bought was a *contract* entered into between Nuñez and Mijares Crespa (April 28, 1860) by which the former acquired the right to receive in payment of the sum of 5,894 dollars and 371 dollars 75 cents, cattle from the "Tigre" at the rate of 5 dollars a head, the expenses to be paid by Nuñez. And was that contract confiscated by the Governor of Maturin, to turn to the benefit of the nation the rights which might be derived through it? No! The Governor of Maturin did not take possession of any such rights possession of which Romberg held, and holds, and can make them good according to the laws of the country. Nor could such rights exclude in any way the rights

of another party, much less those of the Government, to take with preference the same cattle, as no judicial embargo had been granted in favour of the credit of Romberg, the only measure which would have given him a right over such part of the cattle corresponding to his entire credit.

But the right purchased by Romberg being limited to *receive* in payment cattle from the "Tigre," agreeably to this phrase:—"With cattle which he will receive on the above said stock estate, at the rate of 5 dollars per head, which he will collect at his own expense." Could Romberg allege then when he collected cattle in order to pay himself, he exercised a legitimate right? No! On the contrary, he committed, in fact, an act of spoilation. The transfer of a thing is only perfected by its delivery to the person who acquires it:—"Quia non pactionibus sed traditionibus dominia rerum transferuntur," says the law. This being the case, under what authority did Romberg proceed to *take possession* of the cattle? It was not under the contract between Nuñez and Mijares, because it was stipulated explicitly that the *delivery* was to be made, "With cattle which he will receive,"—It was not under the law which admits a transfer as the title of property. Whence arose, then, the right of Romberg to collect cattle at his discretion, and much less his pretension that he acted with an exclusive right? Be careful, sir, that on the contrary a serious responsibility does not affect Romberg on account of his discretional proceedings.

Besides, it was a point of law, that when the cession, or transfer, of titles was to be carried into effect it should be done with certain formalities, the person making the transfer having to deliver to the person in whose favour it was made sufficient power for him in his own name to make good the rights ceded to him, although for account and risk of the person who made the transfer; for which reason the latter was styled "the procurator of his own cause." This rule, acccording to jurisconsults, removed the impediment to the transfer of rights involved in the purely personal character of the stipulation. And it was likewise, and is yet, a point of law that such cession or transfer must be notified in due form to the person on whom it was made, in order that the latter may properly comply therewith in respect to the person holding the transfer, and also that he may in due time make the objection of a right to compensation, or of any other right to which he may be entitled in regard to the said party. Well, none of these forms have been complied with. Nuñez did not cede his rights in due form in his sale to Romberg (1862); nor did Romberg notify Monàgas, or his representative, according to law, of the acquisition he had made of the rights of Nuñez; on the contrary, after some time, taking advantage of the circumstance that the Government of Maturin had placed a body of troops on the estate "Tigre" for the purpose of collecting cattle for the use of the National army, he hurriedly proceeded, *hospite insolitato*, to collect cattle on the said estate at his discretion.

I have been obliged to touch upon some points of law in order to bring clearly before you the fact that affairs similar to that of Romberg, speculations more or less exposed in this country, and much more so during the period of Revolution which terminated in July 1863, are not, nor can they be, matter for diplomatic intervention, but must be submitted to judicial decision within the Republic. If, every time that a foreigner thinks, or pretends to believe, that a right emanating from one of the many transactions (not unfrequently sordid transactions, owing to the abuse of his condition as foreigner), has been disallowed him or has been infringed, his demands are attended to by the Legation of his country, and discussed diplomatically, the laws and authorities of the Republic would be reduced to nullity in respect to the affairs of foreigners, and the Venezuelans who deal with them must understand that they are subjected to diplomatic jurisdiction.

Let Mr. Romberg, therefore, make good his rights as, when, where, before whom, and against whom the laws of Venezuela allow him to proceed. And, in fine, let him suffer the consequences of that class of speculations, with the understanding, for his Government and that of others who may be claiming, or who may pretend to claim as he does, by diplomatic means, the rights and questions of civil jurisdiction, that the Treasury of Venezuela is *not* an Insurance Company, from which indemnifications are always to be obtained, with the advantage of there being no premiums to be paid.

I therefore trust that you, Sir, in whose sound judgment and characteristic rectitude I confide, will not contribute with your vote to foster the pretension of the claimants to convert the Legations of friendly Governments into Courts of Justice, whereby many vexations and embarrassments are caused to them, and many complications and troubles occasioned to the Republic.

Mr. Oliver Romberg.

Judgment of Mr. Joel, British Commissioner.

THIS is a claim against the Government of Venèzuela for denegation of justice. The facts of the case, which are briefly as follows, are fully recited in the voluminous documentary evidence presented by the claimant to substantiate his claim.

A French subject named Beauperthuy commences a suit at law against General Monágas, Commander-in-chief of the forces at Maturin, for the value of property violently taken from his estate by the General's orders, and during the progress of the suit Beauperthuy assigns, for value received, his interest to a Mr. Simon Nuñez, who continues the suit, which terminates March 29, 1860, with a judgment against General Monágas and execution against his property.

On the 28th April, 1860, the attorney of General Monágas enters into an agreement with Nuñez, which agreement is ratified on the 1st of May by the Court which issued the execution, that the execution shall be liquidated by the removal of cattle from an estate of General Monágas called El Tigre, at the rate of 5 dollars per head, all the expenses attendant on the removal to be paid by the remover.

On the 30th December, 1862, Oliver Romberg, a British subject, engaged in the cattle trade, purchases from Nuñez, for the sum of 2,000 dollars, the judgment and execution against General Monágas, with the object of removing cattle in liquidation of the judgment. The document constituting and proving the purchase (page 26) is in due form of law, on stamped paper, and duly subscribed to by three witnesses.

Romberg at once proceeded to purchase horses, engage labourers, and to incur other expenses necessary in the recovery of cattle in the wild state in which they exist in the estates in this country; but as soon as he commenced to recover the cattle the Governor of the province, without authority of law and in direct violation of every principle of justice, interfered by sending an armed force to prevent their removal, assigning as his reason, "that the cattle may be required for the sustenance of the troops, and to meet the expenses of the civil war in which the province was then engaged."

On the 16th February Romberg protested against the arbitrary proceedings of the Gobernador, and now seeks to recover the amount of the judgment, still unsatisfied, from the Government of Venezuela.

That Nuñez did not, from the date of his agreement with the attorney of General Moriágás, April 28th 1860, to the date of his sale to Romberg, December 30th, 1862, make any attempt to recover cattle in liquidation of the judgment need create no surprise or prejudice against the claim, when we remember that during the whole of this period the war of the Federation was raging and the country in a state of anarchy. Nor does the fact of the claim not having been presented by the Honourable Mr. Edwardes to this Government in 1865 at all affect its merits. The claimant would have been in no better position had this been done, for though the Honourable Mr. Edwardes did arrange with the Government of Venezuela some claims of this nature, no payment has been made on account of them up to this date.

In my judgment the sole point for consideration of the Arbitrator is, whether the acts of the Gobernador of Maturin constitute such a case of denegation of justice as to render his Government responsible to the claimant.

Mr. Oliver Romberg.

Judgment of Stürup, Umpire.

(Translation.) *Caracas, March* 15, 1869.

MESSIEURS, the Members of the Mixed Commission charged with the adjustment of British claims.

I have received the collection of documents (expediente), of the claim of Oliver Romberg, a resident of Maturin, which you transmitted to me with your notes of the 18th and 22nd of January last, submitting the decision of the case to my judgment as Arbitrator or Umpire; and having, within all the attention that the case calls for, made myself acquainted with the proofs contained in the said collection of documents, and taken into consideration the observations you have been pleased to make to me, I proceed to reply.

In the first place I must express my opinion that I consider the Commission as a

Court of Equity which has to judge the affairs submitted for its decision, having in preference, regard to what it believes to be just and equitable, than to exactness in the fulfilment of legal formalities and proceedings; and with this impression and based on the same principle, it is that I am going to give my judgment in the present case free from every other consideration but that of justice.

From the documents it appears that the Tribunal of first instance of Maturin by sentence of the 29th of March, 1860, condemned the late General José Tadeo Monágas to pay to Simon Nuñez the sum of 3,239 dollars (for losses suffered in a property of Felipe Beauperthuy, who had ceded his right to Nuñez), with interest at the rate of 1 per cent. a month, from July, 1853, up to the date in which the payment should be made, as also the costs of the lawsuit; for the payment of which the attorney of Monágas offered the cattle estate called "El Tigre" that the interested parties entered into an agreement, which was afterwards ratified before the Parochial Court of the same City; that to avoid further expenses, Nunez would be content to be paid the 5,894 dollars 98 cents, the then amount of the claim, with the interest due thereon, in cattle, which he was to receive in the said cattle estate, at the rate of 5 dollars for each head of cattle of not less than one year old, the animals being caught by him at his own expense; which agreement was transmitted by the said Tribunal to that of First Instance, and was afterwards formally approved by the latter in sentence of the 1st of May, 1860, that on the 30th of December, 1862, Simon Nunez sold the right he held in virtue of the above-mentioned sentence and subsequent agreement, to Mr. Oliver Romberg, for the sum of 2,000 dollars, which he received on the spot, the document of sale being signed by three witnesses: that Romberg immediately proceeded to purchase animals, and to take other measures necessary for catching and receiving the cattle in the said cattle estate "El Tigre;" but that he had hardly commenced operations when they were interdicted and stopped by orders of the Governor of the province; and finally, that the said Governor in his despatch of the 14th of February of 1863, in reply to a representation of Romberg, in no manner disputes the rights of the claimant, and only assigns as the reason for his order that the cattle existing on that and other cattle-estates ought to remain as a resource wherewith to attend to the subsistence of the troops of the Government and other expences which the war occasioned.

The result, therefore, is that Romberg acquired a lawful right to catch and receive from the cattle estate called "El Tigre" the number of head of cattle sufficient to liquidate the amount in question, and that he was interdicted in the exercise of that right by order of the Supreme Executive authority of the province, who thus interrupted the execution of a judicial sentence.

I must here observe that I do not at all approve of foreigners speculating in the political events of the country, and that they should make themselves the possessors of the rights of the natives to bring the same forward afterwards in the form of a claim; and, in proof of which, I have disallowed the presentation of several claims of Danish subjects of the same nature. But I do not see that Romberg could have had such an intention at the time he acquired the rights of Nuñez, since he purchased them on the 30th of December of 1862, and towards the beginning of February he was ready to catch the cattle, which proves that he acted in good faith, and only intended to possess himself of what belonged to him.

If Monágas or his attorney, or any other private individual, had impeded his taking the cattle, I would also say that it was a question to be simply ventilated by the Judicial Authorities, before whom Romberg would have to appear, and it would not have been permitted that he should present a claim through the Representative of his nation; but the fact of the Governor of the Province intervening in the affair, and of his own authority, impeding Romberg in the exercise of a right he lawfully possessed, subjecting him to a denial of all justice, since against that mandate there was neither appeal or resistance of any avail, this totally changes the nature of the question, for the Governor intervened without being therein authorized by any law of the country; and, as a Governor is an agent of the National Government, it is the latter who must indemnify the claimant for the losses he has been subjected to. The said conduct of the Governor is the more serious, inasmuch as he only reserved the cattle for necessities that might occur, whilst he occasioned a positive and immediate loss to Romberg.

However, I do not wish the speculations of foreigners in affairs which may become the subject of international claims to be favoured, no matter how lawful in other respects, and as it appears from the document of sale that Romberg only paid 2,000 dollars for the right he purchased, I judge that he should be only paid the same sum, with interest at the rate of 6 per cent. per annum, to count from the date of the purchase to the present day, which gives as a result the sum of 2,750 dollars, the capital to be recognized

in favour of the above-mentioned Olivier Romberg, which capital will gain interest for the future at the rate which the Commission may establish for all the other British claims.

Such is the conclusion I have arrived at, judging the affair to the best of my knowledge and understanding; and I have the honour to communicate the same to you for the subsequent ends, returning, at the same time, the collection of documents ("expediente.")

I am, &c.
(Signed) GUILLO. STURUP, *Umpire by Lot.*

Mr. John Giuseppi.

Judgment of Dr. Mendez, Venezuelan Commissioner.

(Translation.)

AS you have been elected by lot to resolve the following case of difference between the British Commissioner and myself, I proceed to present to you the reasons on which I base my opinion.

Mr. John Guiseppi claims from the Venezuelan Government above 24,000 dollars, as the capital only, according to the bases he presents, for the value of animals, he says, were taken from him out of the cattle-estate called "El Roble," belonging to the late General José Tadeo Monágas, in the province of Barcelona, during the war of the Federation, by the forces of both belligerent parties. Mr. Guiseppi does not adduce any documentary proof, circumscribing himself to the depositions of witnesses obtained in Barcelona by his attorney, Mr. Pacifico Monágas.

The justification instituted on the 15th of July of 1865 contains in the first particular the details respecting eight kinds of animals of different ages, specifying the number which existed of each kind in the year 1859; and in the third particular it also contains the details respecting the value at that time of the said animals according to their ages. All the witnesses, with the exception of the citizens John A. Sotillo and Francis Deffendini, answer in perfect conformity respecting those points, and most of the others of the interrogatory. This in itself predisposes our animus against such depositions, because it is not acceptable to a good criterion that amongst eight individuals there should not be the slightest divergence in a case in which there are eight different combinations of numbers respecting the number of each of the eight kinds, and the ages of the animals, between the numbers of 30 and 175 each one, and in which there are many more combinations in reference to their value, according to their respective ages; unless each witness had assigned as the reason for his statement that the eight witnesses had gone collectively, on a given day, to count the animals and form the due estimate of their value, taking correct notes of everything.

In the first place I discard in full the statement of the citizens Fernando and Fabriciano Rójas (folios 4 and 6), because deficient in the form, not having been ratified in presence of the Fiscal Representative, as provided for in the 4th rule of the 28th Article of the Law on Public Credit of the 16th of June of 1865, a formality which could have been fulfilled up to the 31st of December of the same year, in conformity with the 3rd Article of the Decree of the Executive of the 1st of July of that year, fixing a term for the presentation of claims. And I avail myself of the opportunity to observe to you that the legality or illegality of depositions not ratified in the form above-mentioned, and the faculty itself of resolving upon such a point are not matters which are within your competence to decide; because this very subject, which, in my opinion, involves the understanding of the clauses of the Diplomatic Convention of the 21st of September last, having reference to the powers of the Commissioners and of the Umpire, is as yet pending, after long discussion, on account of a consultation addressed to the British Government by their Commissioner.

All the remaining witnesses are the citizens Juan A. Sotillo, Francisco Deffendini, Vicente and Francisco Carvajal, Miguel and Elias Castillo, Florencio Colon, and Francisco Javier Barboa. Let us examine their depositions.

Witnesses must be legally able to declare, must be eye-witnesses, and their depositions must accord as to the person, fact or case, time or place, and they must manifest in what manner they are aware of what they affirm. Thus it is prescribed by

the 4th rule above mentioned and provided in the common law. Without these requisites no testimony is worthy of credit, if the same be the only proof produced and in relation to facts.

In the first place, the declaration of Deffendini disappears, for in the ratification at folio 14 he assigns, as the reason for his statement, public notoriety.

Then the declarations of Sotillo, the two Carvajal, Barboa, and Elias Castillo, also disappear, because neither the first, at folios 4, 5, and 23, 24, nor the two second, at folios 5, 6, and 9, 10, and 18 and 21, nor the fourth, at folios 19, 20, and 22, 23 have assigned the reason why they were aware that the belligerent forces at that time had taken the animals alluded to.

And the said declarations of the two Carvajal, Barboa, and Elias Castillo also disappear, as well as those of Colon and Miguel Castillo, for the following reason. All six have affirmed, under oath, as to the contents of the above-mentioned second and third particulars of the interrogatory having reference to the existence, in 1859, of a stated number of each of the eight kinds of animals, and specifying the ages and their respective value, and notwithstanding, in the acts of ratification, after the same had been carried into effect under oath, they overlook the testimony they had rendered, and one after another wander in their statements and form arbitrary calculations respecting the number of each kind and the age of the animals, as well as respecting their value. This alone, and without the necessity of entering into other observtionss of great importance, are sufficient to make us place no faith in the said depositions. I in no manner wish to asperse the good reputation of the witnesses whom I have not the honour of knowing; I am occupied in examining the legal force of their depositions in dilucidation of the facts, out of which Mr. Gioseppi deduces his right.

No other declaration or proof remains pending.

Truly, personal evidence, in this class of demands against the Public Treasury, called "claims," amongst which the international have attained celebrity, ought to be proscribed. Personal evidence, so discredited in jurisprudence, has as its preventive more or less efficacious, but the only one, the individual interest of him against whom it is produced in a suit, through the protection of the forms of proceeding against the witnesses, because of their absolute or relative legal inability to declare, or against their depositions because wanting in truth in matters of a more or less serious character. This being the case, who may not measure the extent of the breach which this kind of proof, when not in a regular suit, has opened in the vault of the Public Treasury? And who does not know that the Fisc, with all the theory of its privileges and prerogatives, is the most helpless of orphans, and against whom there are in general greater facilities to attack with less probabilities of resistance?

Independently of the law on Public Credit above-mentioned, which prescribes certain forms for the substantiating of claims against the nation, the same having reference to the war during the stated period between the 20th February, 1859, and the 24th July, 1863, there cannot be any other efficacious obligation against Venezuela in reference to losses occasioned by the belligerent parties, but such as arise out of judicial sentences carried into execution, or of agreements of a definite character entered into by the Republic; nor are there any other motives left for diplomatic intervention but notorious injustice or the denial of justice in conformity with International Law.

I do not find myself in a position to make any appreciation with respect to the documents ("expediente") of the claim of Mr. Giuseppi. The witness, who is unworthy of credit in one respect ("diez") is likewise so in others ("cieu"), and *vice versâ*. I have no basis whatever upon which to proceed, and I cannot establish it arbitrarily. Mr. Giuseppi may have been unfortunate in his proofs; but I cannot, based upon them, assign any merit to his claim.

I therefore opine that the documents ("expediente") of the claim under consideration be declared to be deficient in any merits whatever for the fixing of any amount. And here I must also remark that not only owing to the peremptory terms of the 3rd Article already alluded to of the Decree of the 1st of July of 1865, but that the Diplomatic Convention, also already alluded to, refers to "pending claims" (at the date of the same and as they were presented to the Commission), the formalizing of new proofs in order that the present Commission should again consider the case cannot take place.

With, &c.

(Signed) JUAN DE D. MENDEZ,
Commissioner for Venezuela.

Mr. John Giuseppi.

Judgment of Mr. Joel, British Commissioner.

THIS is a claim for the value of 165 mares, 89 horses, 60 colts, and 45 fillies of three years old, and 49 colts and 55 fillies of two years old; and 49 colts and 30 fillies of one year old, the property of Mr. John Giuseppi, taken from the estate called El Roble in the State of Barcelona, by the forces of the two contending parties during the war of the Federation.

Eight, apparently disinterested witnesses, concur in their declarations in regard to the seizure of these animals by the forces of the two contending parties, and the direct evidence of these witnesses is in no way impaired by their subsequent cross-examination by the Fiscal. On distant estates, in a country so vast and so sparsely populated as Venezuela, there must exist at all times more or less difficulty in proving losses of this character, but in this particular case the proofs of loss are abundant, and I am, therefore, of opinion that the only question for the consideration of the Arbitrator is the value of these animals at the time they were taken from the estate El Roble without the consent or contrivance of their owner John Giuseppi.

Mr. John Giuseppi.

Judgment of Señor Mora, Umpire.

Caracas, September 2, 1869.

ON view of the two letters from Mr. John Giuseppi under date of the 15th February last, past to Generals Baltazar Rendon and Fermin Carreño, with the answers of these gentlemen (that of the latter on the 23rd of the said month) respectively attached to each of those letters, which letters were delivered to me by yourself and your fellow Commissioner on the 23rd March last, a few days after the delivery of my first award (dated 17th March), and on the strength of further information obtained by me from other sources, I now deliver this my definite and final award, to the effect, that the Government of Venezuela is bound to pay to Mr. John Giuseppi the sum of 24,375 dollars say 24,375 dollars, of our currency, in full for his claim herein considered.

You will be pleased to bear in mind that in consequence of the Commission not having agreed upon my first and conciliatory award of the 17th March last past, previously alluded to, it became necessary for me to seek further information upon which to form a definite judgment of the case, seeing that the conflict of opinion between the Commissioners could not otherwise be reconciled. I desired among other sources of such further information, although not the most material one, to have conferred with Mr. Giuseppi himself, who was at the time absent at Barcelona, but expected to return by each succeeding monthly steamer. He has not, however, returned, and as I have been enabled in the meantime to come to a conclusion perfectly satisfactory to my own mind, independently of any light I could have derived from Mr. Giuseppi, I have deemed it expedient to close the case without further delay, as I do by these presents, leaving this explanation on record.

(Signed) GUILLO. YRIBARREN MORA,
Umpire.

Mr. Joseph Jelleret.

Judgment of Dr. Mendez, Venezuelan Commissioner.

(Translation.)

MR. JOSEPH JELLERET claims 60,333 dollars, amount of a liquidation which he presents (folio 18) for capital, and interest at 9 per cent. per annum made up to the 1st of July last, and which refers to an order dated July 1st, 1863, issued by the Government of Maturin (folio 14) against the Custom-house of that city for the sum of 39,952 dollars for cattle taken from Mr. Jelleret for the public service.

There does not exist in the record ("expediente") any data or foundation whatever to believe that documents that therein appear as proofs that a quantity of cattle to the number of 418head (folios 3, 4, 5, 6) taken from Jelleret, form part of the proofs in respect to the 518 head of cattle for which Jelleret was paid by the above-mentioned order.

The origin of the credit arising out of this order may then have sprung from transactions respecting other cattle of the stock estate "Corcobado;" and this is, of itself, a conclusive reason why the Umpire cannot enter upon appreciations or judgments as regards the nature of the credit in its origin, and that he should confine himself, as the interested party himself expressly requests, and as is natural and proper, to the consideration of the value of the order as merely a credit on a Custom-house.

I cannot, therefore, but object in the most formal manner that the Umpire should take under consideration those documents for the formation of his opinion. The said documents may very possibly have reference to another credit, in every way distinct from that which gave rise to the order in question; and in such case it does not appear that they have been ratified in the presence of a legitimate representative of the nation, in conformity with the rules of the law of the 16th of June, 1865, on Public Credit (Rule 4, Art. 28) in respect to losses in relation to the war of the Federation, between the dates of the 20th of February, 1859, and the 24th of July, 1863, as determined by the said law. And for this reason I must here assert that I have not considered myself, nor do I consider myself, obliged to come to a resolution on records ("expedientes") which labour under that substantial informality; that neither have I considered myself, nor do I consider myself, obliged to submit this point to the decision of the Umpire; for, basing my judgments on the terms of the Convention of the 21st of September, 1868, which created the Commission, I would implicitly authorize the Umpire to interpret the Convention—a matter which can only be resolved by the contracting parties; and lastly, that my opinions, in respect to both points, have received the approval of my Government.

And really had these documents been properly discussed on their ratification before the Fiscal Agent, it would easily have been shown what, as regards myself, is indubitable, that if the delivery of those 418 head of cattle, accepting as authentic the documents in reference thereto, it was caused by a loan or spontaneous sale entered into by Jelleret.

The receipt for 75 head of cattle, which appears to have been given under date of the 19th of May, 1863, by the Governor and by the Chief of Operations of Maturin (folio 6) is very clear, and no less clear are the two orders which appear to have been given by the said Chief of Operations on the 28th of the same May, and on the 3rd of June following (folios 1 and 2); for in the former it is stated "whether it be through the authorization which the said (Jelleret) has given," and in the latter, "Or be it by the authorization held by this superior authority." And certainly it is not to be alleged that those authorities made out the orders as best suited them; for, with such a plea, if it were to be received under the simple word of any one who presents a bond or a document on which he bases a right against another party, there would be no other law than the word of the plaintiff against the defendant. Nor is it to be alleged that Jelleret extended protests in respect to despoliation on the 2nd and 7th of June (folios 7 and 11), for the said protests not having been notified to the authorities, nor even published that the said authorities might be in position to refute them, are no more than valueless papers, which rather are presumable to have been formalities, with the object of appealing to the diplomatic course in the event of a failure of the speculation.

Let us now look into the credit, which is really what has been claimed. It consists of the order of which we have already spoken, issued by the President of the State of Maturin, in virtue of a proposal made by Jelleret, regarding terms of payment.

We must leave aside entirely the origin of this debt, because it is only the debt itself which has to be considered. That origin, just or unjust in respect to the nation, disappeared from the moment that the debt was recognized and paid by the order in question. Therefore, there is nothing to be verified except the fact of that order not having been paid, having under consideration the terms in which it was extended, and the rights of the nation. "Let there be placed (says the order) to the credit of Joseph Jelleret, for the motives expressed in this note, by the Custom-house of the Port of Maturin, the sum of 39,952 dollars, together with interest at the rate of 9 per cent. per annum."

This alone is sufficient to comprehend that, in addition to the fact that the credit no longer existed in relation to its origin (the cattle was paid for by the order at a higher price than 60 dollars a-head), Jelleret having asked for the order because the payment in that manner was convenient to him, and he having received on account of its value the

sum of 400 dollars, as is shown by the liquidation he presents, his rights fell under the sanction of the legal regulations in regard to public credit, and, consequently, in this case there can be no diplomatic intervention. To this there can be no reply.

But there is still more: "Let the payment (continues the order) of the said sum be made from the 50 per cent. of the export and import duties of that Custom-house, provided there be no other superior order, which must be obeyed."

It is, evident, therefore, that Jelleret, on accepting the above-mentioned order in those terms, expressly accepted every interruption, and every modification in its payment arising out of superior orders to which he had to submit. And as the principal of such orders was the law of the Sovereign upon liquidation and payment of its debt, it is equally beyond reply that Jelleret, through his own expressed desire, runs likewise the risk of every creditor for orders against the Custom-houses, in conformity with the law of the 16th of June, 1865.

If to all this be added that no one can to-day declare, by the papers of the record ("expediante") whether the said order has or not been paid, since no official liquidation, taken from the books of the Custom-house of Maturin has been presented, nor do we find any more information than that given by the interested party wherein he makes his so-called credit, amount to an enormous sum by means of annual capitalization of interest; can it be pretended to compel the nation to pay Jelleret (without his having any other title, or justification, than the fact of his being a British subject, and of having been British Vice-Consul at Maturin when he got the order) on such a strange demand?

The Umpire, whom I have the honour to address, must disallow this claim, destitute as it is of every right. In my opinion, Sir, the very discussion of this subject is scandalous. Under equal rights to those upheld by Jelleret, and under similar ways of proceeding, the regulations in regard to Public Credit would be reduced to nullity as respects a foreigner in Venezuela; and, indeed, I do not know how it could be avoided that the stream of foreign credits on the Custom-houses and other national offices, should not immediately inundate the Legations, and excite new complications for the Republic.

Mr. Joseph Jelleret.

Judgment of Mr. Joel, British Commissioner.

THE claimant, Mr. Joseph Jelleret, British Vice-Consul at Maturin, possessed an estate ("erato") in that province, on which he bred and fattened cattle for exportation to the Island of Trinidad.

On the 28th of May, 1863, the Colonel-in-chief of military operations in that province, Señor Manuel B. Fonseca issued an order (the wording of which merits attention), to take 200 head of cattle from the "erato" of Mr. Jelleret. A memorandum of the accomplishment of this outrage, by the persons named in the order, is amongst the papers, and is marked A. 3.

On the 3rd of June of the same year the Colonel-in-chief issued another order to Lieutenant Guzman to proceed to the estate ("erato") of Mr. Jelleret, and to remove ("sacar") all the cattle, without exception, there to be found; and a memorandum of the accomplishment of this further outrge, marked A. 3, signed by the said Lieutenant Guzman, in which he states that, in obedience to the order of Colonel Manuel B. Fonseca, he took from the estate of Mr. Jelleret 103 head of cattle, is also among the papers.

Another memorandum of a further outrage of the same nature is also transmitted, marked A. 3, in which the Commandant Gosé M. Ledesma states that he took, on the 18th of June, 1863, from the estate of Mr. Jelleret, forty head of cattle by the order of the Chief of military operations of the province.

Anterior to the date of these outrages Mr. Jelleret, at the request of the Gobernador of the province and of Colonel Fonseca, loaned them seventy head of cattle, which they were to repay with the first arrival of cattle from the "Tigre." The result of this act of kindness was the outrages above described.

On the 2nd of June, 1863, Mr. Jelleret extended a formal protest against the outrage committed upon his property three days previously, and on the 7th of June he again formally protested against the further outrage.

On the 1st July, 1863, Mr. Jelleret presented a request to the Gobernador of the province to be paid the value of the cattle taken from him, by an appropriation of 50 per cent. of the import duties of the Custom-house at Maturin, and that he should be

credited in the books of the Custom-house with the value of the cattle; namely, 39,952 dollars, which request was acceded to, and during that month 400 dollars on account were paid to him; since which period no further payment has been made, and he now claims the sum of 39,552 dollars, with interest from the 1st of July, 1863.

The recurrence of outrages, similar to that perpetrated on the property of Mr. Jelleret, is, unfortunately, not unfrequent in this Republic, and compensation after the lapse of years, when ruin, as in this case, has in consequence fallen upon the victim, is but a poor reparation. The outrage in Mr. Jelleret's case is aggravated from the fact of his being invested with the character of a Consul of a friendly nation.

I am of opinion that the Umpire should award the amount claimed, with a moderate rate of interest from the 1st of July, 1863, until the same be paid.

Mr. Joseph Jelleret.

Judgment of M. Stürup, Umpire.

(Translation.) *Caracas, September* 15, 1869.

MESSRS. the Members of the Mixed Commission charged with the adjustment of the British claims.

I have received the collection of documents ("expediente") in support of the claim of Mr. Joseph Jelleret, a resident of Maturin, which you have transmitted to me in order that I should give my decision thereon, as the Arbitrator or Umpire; and having, with all due attention, made myself acquainted with the said documents, and having in consideration the Report of the Commission on the subject, I proceed to reply to you in the following terms:—

From the said documents results,

1st. That the military authority of the State of Maturin, in May and June of 1863, disposed of 580 head of cattle belonging to the British subject, Mr. Joseph Jelleret, and that they were taken away against his will and in the most arbitrary manner from his cattle estate "corcobado;" for although 75 of the above-mentioned number of head of cattle were voluntarily delivered, it was under the condition of their being returned to him in kind, which was not done, although on several occasions there were the means of doing so. And

2nd. That the President of the said State, acknowledging the justice of the claim, issued on the 1st of July of the same year an order to the Custom House of Maturin to place to the credit of Mr. Joseph Jelleret the sum of 39,952 dollars, with the addition of interest at the rate of 9 per cent. per annum, in liquidation of the value of his cattle, the payment to be made with the 50 per cent. of the import and export duties collected at that Custom-house.

Now, then, in reference to the observations of the Commission, I beg to state that the stipulation contained in the above-mentioned order, *respecting any superior disposition* altering what is therein provided, can but refer to the manner of making the payment, and in no way to diminish the obligation of carrying it into effect, since the debt remained formally recognized; that if the said order did not, circumstantially and in detail, express the particulars of the origin of the claim, that was no fault of the interested party, but of the authority who issued the order; and, finally, that the formalities established for such cases by the Law of the 16th of June of 1865, could not well be observed in July of 1863, said law having been issued two years later.

The definite orders of the Military Chief of Maturin, dated the 28th May and 3rd of June of the above-mentioned year, that the cattle should be delivered by the overseer of Mr. Jelleret's cattle estate, and even that his officers commissioned for the purpose should take the same by force in case of resistance, exclude all ideas that the delivery was voluntary; and although, in virtue of these orders and according to receipts which appear amongst the documents, only 303 head of cattle were taken, it is to be supposed that the remainder, to make up the full amount of 580, were also taken away by force. The authorization which the Military Chief said he had so to act, could only have reference to his unlimited power and in no manner to an agreement entered into with Jelleret, for in this case the said agreement ought to have been mentioned, as would indubitably have been the case had the same existed.

Moreover, the devices of some of the military Chiefs during that crude civil war were well known; and allow me to add that I am in a positive manner aware, from the unanimous account of residents of Maturin who came to this city during that time, that

Mr. Jelleret had been completely ruined on account of the despoliation of his cattle by the authorities with armed forces, his position of a respectable merchant changing into that of an unfortunate ruined man.

Legal dispositions which posteriorly have affected the value of orders against the custom-houses not paid, cannot be applied to a case like the present one, the subject of which is the despoliation of property against the will of the owner; and with respect to the price of the cattle it must be considered a just one, since the agent of the nation at the time in command of that locality agreed to it. The said agent has never been called to account, nor has he been made responsible, and consequently his acts must be considered as approved by the Government.

It was for the Government of the Republic or their Representative in that Commission to prove that the order in favour of Jelleret had been paid, presenting to that effect a report or liquidation from the Custom-house of Maturin, but, no such thing having been done, we must accept as correct the assveeration of the claimant or of his attorney.

In virtue of all the preceding statements I award that Joseph Jelleret is a creditor against the nation for the sum expressed in the order of the 1st of July of 1863, namely:—

	Dollars.
	39,952
Less what he received on account	400
Leaves in his favour..	39,552
To which add interest at the rate of 9 per cent. per annum from the above-mentioned date to this day, the 15th of September, 1869	22,099,69
Making a total amount of	61,651,69

which has to be awarded in his favour, with the addition of such interest as may be agreed upon to be paid upon the full amount of the British claims.

Returning the collection of documents (expediente),

I have, &c.

(Signed) GUILLO. STURUP, *Umpire by Lot.*

Claim of George Treviranus.

Judgment of Dr. Mendez, Venezuelan Commissioner.

(Translation.)

Mr. George Treviranus claims no less than 6,000 dollars, on account of a judicial question which occurred in Maturin between Messrs Ramon Bórges and J. P. R. Stevenson.

This is a case brought forward as one of *notorious injustice;* and at the same time that I extend to it all due attention I wish to treat upon it with all possible brevity and plainness.

Bórges instituted a demand on the 25th February, 1864, before the Court of First Instance of Maturin, against Stevenson, Commission Agent of the schooner "Flying Fish," for the value of sundry effects, which, shipped agreeably to contract on board of the said schooner, to be taken to La Guayra, not only did not arrive at their destination, but disappeared without any one being able to give an account of them.

The foregoing is sufficient for the purpose of entering at once upon the consideration of an incident which took place in the suit, and on which Treviranus grounds the strength of his claim. That incident was a plea presented by Stevenson against the competency of the Court. Without prejudice to my afterwards examining whether Treviranus holds any claim against the Republic on account of the said suit, I proceed to show that the sentence which declared that exception unfounded was a very just one.

1. The exception was based on the demand having reference to certain acts, attributes of mercantile jurisdiction, according to the clauses 2nd, 7th, and 9th of the 1st article, 4th law, 1st title of the Fifth Book of the Commercial Code, and the

amount of the action exceeding the sum of 1,000 dollars, the Commercial Court was the proper one to take cognizance thereof. And the response of the plaintiff was based on the fact that the former Province of Maturin having become a Sovereign State from the 19th February, 1863, the administration of justice within its territory was subject solely to the jurisdiction of the State; that although General J. C. Falcon, in his Decree of the 8th August, 1863 (by which he re-established in the Republic the use of the Civil and Criminal Legislation in practice on the 15th March, 1858), ordained that the Commercial Code should continue in force, in this Decree there was no resolution creating a Commercial Court in Maturin; and that although General José A. Páez, in the Decree of the 11th August, 1862, ordered that the jurisdiction of the Tribunal of Ciudad Bolivar should comprehend the Provinces of Maturin, Apure, and Barinas, this Decree was not explicitly re-established by that of the 8th August, 1863, already mentioned.

The exception was sentenced in due time in favour of the plaintiff.

It is an historical fact that the Province of Maturin had become a Sovereign State; that it held that rank in February 1864; and that, according to the Constitution of the 28th March of that year, it continued as a part of the Union. This being the case, no Tribunal, except of the State itself, could continue to exercise jurisdiction within its territory.

The Commercial Code now in practice, sanctioned on the 29th August, 1862, ordained the establishment of Commercial Courts only in Carácas, Puerto Cabello, Maracaybo, and Ciudad Bolivar (article 1st, law 3rd, title the 1st, book fifth).

In the exception which was made of the said Code by the Decree of the 8th August, 1863, that of the 11th August, 1862 was not included, because the latter was not, nor could it be, a derivation nor an extension of another Code which was sanctioned at a later date. Indeed, that Decree of the 11th August was, and might well be, an extension of the Commercial Code of the 15th February of the same year (1862); but when this was revoked by that of the 29th August, the accessory Decree of the 11th August was also revoked. "The Commercial Code (says the final resolution of the Code of the 29th August) of the 15th February of this year is hereby revoked, and this reformation is held as promulgated by the present publication."

If General Páez had intended to re-establish the resolution affecting Maturin, contained in the Decree of the 11th August, he could easily have done so in the Article of the new Code, in which he extended the jurisdiction of the Tribunal of Carácas to the Provinces of Aragua and Guárico, in place of making this reservation; "and the others (provinces) as the Head of the State may determine" (article 2nd, law 3rd, title 1st, book fifth).

From the 29th August, 1862 to the 24th February, 1864, no Decree was issued by General Páez, nor by General Falcon (nor could the latter have done so), ordering the establishment of a Commercial Court in Maturin, or submitting matters of mercantile affairs to any Tribunal out of that territory.

Consequently, the demand of Bórjes had to be examined before the Court of First Instance of Maturin, and the sentence which declared unfounded the exception as to its incompetency was evidently a just one.

And to make the matter still clearer. Suppose that after the 29th August, 1862, the Commercial Court of Ciudad Bolivar should have continued taking cognizance of the business matters of Maturin, and suppose that this should have been alleged and proved by the defendant, to what conclusion should we arrive? That the Tribunal of Ciudad Bolivar had exercised a usurped and arbitrary jurisdiction. It is well known that voluntary or prorogued jurisdiction is the extension, allowed to the contending parties, of an existing jurisdiction; but the contending parties cannot prorogue a jurisdiction which does not exist; and if they do so, they create a jurisdiction which is on that very account false and null. Therefore, the fact of cases (if such there have been) having been submitted to the Tribunal of Ciudad Bolivar can by no means be a reason for the continuance of an abusive practice in respect to the subject I have now under consideration.

Let us now enter upon the principal point of this affair.

2. With what right does Treviranus claim?

(1.) Treviranus was not the party demanded nor sentenced.

Stevenson had published an advertisement stating that the schooner "Flying Fish" traded between Port of Spain, La Guayra, and Maturin; that its trips would be combined with those of the steamer "Toro;" and that it received freight and passengers for all the ports at which the said steamer touched. This advertisement was signed as follows—"J. P. R. Stevenson, Agent" (fo. 2).

As the public was not aware of the nature of the trading Company between La

Guayra and Ciudad Bolivar, it might easily consider Stevenson to be either properly a commission-agent or the agent of an anonymous Society, or an agent for the tranportation of goods as commissioner or as director, or as attorney to the Company. In all these cases Stevenson was looked upon as the responsible person, or as the responsible representative, that he should respond either directly or as representative of his principal, for the obligations of the latter, and the public understood, *bonâ fide*, with Stevenson.

But Borjes required to know, in a positive manner, what was the agency that Stevenson exercised according to his advertisement, because he had to make good, before the tribunals, certain rights in respect to the matter regarding transportation above alluded to. The Cantonal Judge of Maturin was desired to summon Stevenson for a declaration on sundry points, the first of which was whether he (Stevenson) had been, at Maturin, the *Commission Agent* of the schooner "Flying Fish," the trips of which were combined wit hthose of the steamer "Toro," and "admitted freight and passengers" (fs. 2 and 3); and Stevenson, being present, replied to the interrogatory "that such was the case."

Stevenson, consequently, was a Commissioner, and with that character he was sued by Borjes (fs. 4 and 6), and was sentenced by the tribunals.

Therefore, it was not Treviranus, but Stevenson, who was sued and sentenced.

(2.) Suppose that Treviranus had been sued in the person of Stevenson, could the exception presented by the latter in respect to his character of "mere agent" have been of any advantage to the former?

The "mere agent," as it is pretended, makes the public responsible through and towards the person he represents, but is not his representative as regards any responsibilities towards the public.

Consequently, the engagements entered into by Stevenson at Maturin ought to be held as real and true in so far as those who had dealings with him could be sued by him as the representative of Treviranus, but ought not be held as real and true in regard to any responsibility on his part which could affect Treviranus or the Company the latter represented. Very good indeed. This theory is indisputably meritorious; for through it, without fear of loss, a transaction is intended to be effected from which profits will always be obtained. But, as happens with every new idea, that theory meets with serious difficulties, and I do believe that if the merchants of Maturin, independent of their being ignorant of the persons, and of their domicile, who, according to Stevenson, composed the line of vessels between La Guayra and Ciudad Bolivar, had been duly informed that Stevenson was an agent for the imposition of obligations and not responsible for any, they would have seen their danger precisely where Stevenson and his principal based their profits, and the schooner "Flying Fish" would not have made a real freight.

I believe, Sir, I should offend your good sense, not to to say your intelligence, if I should allow myself to enter upon a serious discussion, with quotations of laws and doctrinal points, to prove that the "mere agent," an invention of Stevenson's, is a ridiculous phantom.

3. With what right could Stevenson himself claim?

Bórjes presented his case, stating that towards the end of September or the beginning of October, 1863, he shipped on board the schooner "Flying Fish," to be transferred to the steamer "Toro" and taken to La Guayra, 84 bales of tobacco, 6 half barrels of starch, 56 deer hides, 1 bale of cotton, 2 boxes of cigars, and 1 box containing a saddle. As in this respect there was an understanding with Stevenson, proved by a letter which he gave to Bórjes, addressed to Messrs. Blohm, Nölting, and Co., dated Maturin, November 25th, 1863 (fo. 1), which was acknowledged in Court by Stevenson, and as the effects shipped not only did not arrive at La Guayra, according to the certification of the said Messrs. Blohm, Nölting, and Co., agents of the Trading Company at that port (fo. 2), but had even disappeared; he therefore sued Stevenson, as "Commissioner," who had understood with him, for the payment of 1,266 dollars 6 cents, value of the shipment, 275 dollars, amount of expenses incurred in pursuit of the effects without having been able to recover them, and 600 dollars in which he estimates the losses he has thereby suffered since October, 1863; total, 2,141 dollars 6 cents.

The defendant replied that, as he had not been part owner, nor carrier, nor commissioner, but a mere agent, as he was not aware that the effects had been shipped, and the letter referred to being simply a letter of recommendation, as when the shipment was made, if it really was made, he was not in a position to make a contract because he was at the time a prisoner in the public gaol; as his principal and not himself was responsible for all the acts of the agency; as the written contract of freight, ordered by article 1, law 1, title 2, and book the 3rd of the Commercial Code had not been made out; as, if

the effects had not arrived at their destination, it was because the Government of the Nation had "disposed" of the steamer "Toro," "detaining her in the course of her voyage," and in such case the "owner, commission agent, or carrier" could only lose the freight through the delay, but not the value of the shipment according to the 22nd Article of the same law; he therefore asked that the demand should be declared unfounded, &c.

I must necessarily pass over the incoherency and incompatibility which exist in those exceptions. If I did not do so I should have to refute the defence in an indirect manner, and which ought to be done directly and in each particular.

The exception which relates to the character of "mere agent" has in no case any foundation; we already know the reason.

Nor has any foundation that which relates to ignorance of the shipment, and to the "simple letter." The expression "simple" is applied to the letter in the same way as it is applied to the agency, with the intention of avoiding any responsibility; but by means of the expression "simple" applied to the agency we can understand its application in respect to the letter. These are the acknowledgments made in the latter, that "Bórjes shipped on board of the schooner 'Flying Fish' to be transferred to the steamer 'Toro' and taken to La Guayra the following effects" . . . . (they are mentioned); that "Bórjes was desirous of having a proof that these packages (the goods) were made accountable for by him (Stevenson) as the Agent of the line for their carriage to La Guayra;" and that "these packages were received on board of the said schooner 'Flying Fish,' the steamer 'Toro' to receive them at port of Spain and take them to La Guayra, the due freight being paid."

Nor has any foundation that which refers to his inability to make a contract because he was a prisoner. It would be necessary that Stevenson should have proved that he was deprived of his liberty because he would not make the contract.

Nor has any foundation that which refers to the responsibility of the principal for all the acts of the agent. Bórges did not demand Stevenson as the representative of Treviranus, and if he had done so this would not have subjected him to an obligation jointly with Treviranus, or distrained him *in solidum*, if Stevenson had not appeared compromising in some manner his own responsibility.

Neither have those any fonndation which refer to there having been no contract of freightment, nor those in reference to the detention of the "Toro" by the Government. The law which they invoke speaks of the freighting of a ship and does not treat on the freighting of the schooner but of the value of the goods shipped on board of her. Such exceptions might have been presented, either by Treviranus, as part owner of the trading Company against Stevenson, as shipping agent of the schooner "Flying Fish," in case that the latter had sued judicially the former for injuries incurred in respect to the cargo of the said schooner on account of the stoppage of the line of communication, or by Stevenson against Treviranus (both with the same characters) in case that Treviranus had sued, judicially, Stevenson for freights, aliments, and salaries, on the same account.

But even were the exception in regard to involuntary delay, legally and opportunely established, it has not been proved.

4. Finally, the goods of Bórjes, of which Stevenson took charge, disappeared without any account having been given of them, either by Stevenson or by Treviranus.

Bórges had a right to be paid, either by Stevenson or by Treviranus, for the value of those goods and the subsequent losses incurred.

Stevenson paid Bórjes, and Treviranus paid Stevenson, the said value and the said losses.

What, against whom, and wherefore, has Treviranus now to claim in this respect?

5. Let us now examine certain points submitted to the Commission by Treviranus, but not discussed in the course of the suit between Stevenson and Bórjes.

(1.) Treviranus has presented a copy, attested by the Venezuelan Consul at Port of Spain, of a certificate given on the 22nd of January, 1864, by General Manuel E. Bruzual Secretary of State in the Departments of War and Marine, showing that the steamer "Toro" was sold in September 1863 by the Company to the Government of Venezuela "on account of her trips having been prohibited during the continuation of the revolutionary situation of Puerto Cabello and Guayana."

We must here refer to the contract between the Government of Venezuela and Treviranus, dated the 13th of February, 1862, which I have seen in the Office of Public Works (Fomento), the interested party having confined himself to making reference to it. The 21st Article is especially important; it says "the questions which may arise from this contract shall be decided by the Tribunals of the Republic, and shall never be

subjects of any international reclamation." What will not international claims cost the Republic when it makes it a stipulation that the foreigner has to recur to the Tribunals, as if this were not an obligation acknowledged by the rules which guide all nations!

It is evident that Treviranus if he felt that his rights were offended, and his interests injured by the Government having prevented the continuation of the trips of the "Toro," he ought to have instituted his suit before *the Tribunals of the Republic*, as was agreed upon for the effects of the contracts, and since he did not do so, but, on the contrary, thought proper to sell the vessel to the Government, it was because that course best suited his interests, and, therefore, in fact and in law he renounced all action against the Government. This reasoning appears with more force when we consider that Treviranus did not defend any right through a formal protest, but did not even make known to the public that he acted under the pressure of an unavoidable necessity.

But I do not know how this pretension of Treviranus can be justified in view of that part of the clause "and shall never be subjects of any international reclamation." This is a clear stipulation which does not admit of the slightest pretext for interpretation. It is resignation of all right to Consular protection in the most absolute terms. Nothing, nothing whatever justifies the claim of Treviranus after this agreement. Were I consulted by the Government, whether Treveranus, by bringing forward this claim, had, or had not broken the contract of his Company, I should have no hesitation in answering affirmatively, and I should even go further, and declare that the Government was authorized to exact from the Contractor the rescision of the said contract. Besides, why did not that certificate appear in the suit between Stevenson and Bórjes? It cannot then be submitted to consideration. If it were lawful for a foreigner to claim against notorious injustice in a suit concluded and carried into effect, by means of documents posteriorly obtained, or at any period, but not produced except to the *Consul* when soliciting his intervention, justice and jurisdiction would be in Venezuela as regards foreigners empty and ridiculous terms. Would not this be equivalent to the formation of a Court independent of the law not under any anthority of the country, but under a foreign Consul, the representative of one of the parties, and not against the contending party, but against the Government of the nation which has not been connected with the suit, nor has had any interest in it, nor can defend itself? It is not necessary for me to say more.

(2.) Treviranus says "Leon Rodriguez, who had been the lawyer of Bórjes during the whole of the first instance, appears as Secretary in the Superior Court."

This is clearly an error. When the case of Bórjes was brought in appeal before the Superior Court in August, 1865, Leon Rodriguez, the then Secretary, *resigned his post* (folio 49), did not oppose it (folio 49); the Head Clerk, Manuel J. Reyes (folios 49 and 53), remained in his place.

(3.) Treviranus says Pagola, Stevenson's lawyer in Maturin, was banished, with the object of depriving *the latter of his enlightened assistance, and under such critical circumstances.*"

Where do we find the grounds for such an assertion?

(4.) Treviranus after stating that Gaspar Marquez privately advised Henrique Delagado in the defence of Stevenson in the first instance, adds "immediately afterwards he appears on the scene presiding over the same tribunal (second instance) and not only he did not resign, but had the barefacedness to pronounce sentence against Stevenson;" and he produces a letter which he says to be from Marquez to Stevenson, dated 23rd June, 1864, asking for thirty dollars on account of his work in the defence.

The letter has not been judicially acknowledged by Marquez, and consequently we are not enabled to consider it authentic. But, supposing it to be authentic, it would have been a reason for Bórjes to ask for his removal, if he had been aware of the facts; but Stevenson. . . . he might well have flattered himself that the sentence would have been in his favour. In any case, why did not Stevenson, so attentive to reason and zealous in regard to justice, call for the removal of Marquez in their name? Why, on the contrary, did he keep back that letter, and silently wait for the sentence. If Marquez, instead of finding justice to be on the side of Bórjes, had, notwithstanding the services attributed to him in favour of Stevenson, found it to be on the side of the latter, and sentenced according. . . . What a righteous judge! What a consciencious judgment!

There is no necessity, however, in order to refute the charge, to present it under its odious forms. It is sufficient to know that the letter was not presented nor considered in the suit.

The sentence of equity on the part of the Commission, and on that of the Umpire, in these affairs of British subjects with which we are occupied, may be entertained in

respect of the adjudications of amounts in those documents (expedientes) still pending, although they appear in the form of credits against the nation, but not for the appreciation of cases examined and concluded, before the Tribunals, under the title of "notorious injustice." In the first case the plaintiff and the Government, the sole interested parties, who have not been at law, and who avoid litigation, submit their pretensions to the just conscience of umpires. In the second case the *only* question is, whether the Tribunals of the Republic have evidently infringed the laws in a cause which has been concluded and carried into effect. Therefore, in regard to this last point, the decision is not nor can it be an equitable one.

Mr. George Treviranus.

Judgment of Mr. Joel, British Commissioner.

THE documents presented in support of this claim are so full and complete, that I shall only occupy the time of the Umpire in calling his attention to some few points which merit consideration.

1st. The refusal of the Court of First Instance of Maturin to allow the case to be tried by the Commercial Court (Tribunal de Comercio).

2nd. The merchandize, for the value of which Stevenson was sued by Bórges, was said to have been shipped on board the schooner "Flying Fish," bound to Trinidad, and, it is asserted by Bórges, to be there transshipped on board the steamer "Toro" for La Guaira. No bill of lading was signed either by the Captain of the "Flying Fish" or by Stevenson, acting as agent for Treviranus, or by any other person: consequently Bórges could not recover, even if the merchandize had been lost, damaged, or misappropriated, and in no case could Bórges abandon his merchandize and sue Treviranus for a breach of contract when no contract existed.

The state of war which existed in Venezuela at the time gave to the Government of Venezuela the right to close certain of her ports to commerce, which right the Government availed themselves of; and the steamer "Toro" being thus prevented from making her usual voyages was sold, to avoid inevitable loss, to the Venezuelan Government.

The "Flying Fish" duly made her voyage to Trinidad, and the merchandize said to have been shipped by Bórges would have been discharged, as customary with merchandize *in transitu* into the Custom-house there. It is there that Bórges should have claimed his merchandize; and if a contract had existed between him and Treviranus direct, or through a duly constituted agent, it could only have been after the sale of the merchandize either there or at the final port of destination; that Bórges, being enabled to show that he had suffered loss, could have brought an action to recover the loss sustained.

3rd. To show the *animus* of the Court, we have its refusal to permit the case to be tried before the rightful tribunal (Tribunal de Comercio); and we have the verdict which gave to Bórges the amount the merchandize could have been sold for had it been delivered in due time and course at the final port of destination, together with 500 dollars damages and the costs in the suit. If Bórges recovered the full value of his merchandize, according to his own showing, where are the grounds for damages?

A most significant fact in the case is this: Señor Gaspar Marquez, the lawyer employed by Stevenson to defend the suit brought against him by Bórges was appointed, before the termination of the suit, Judge of the Court in which the suit was being tried, and at his suggestion Stevenson employed a friend of Marquez to continue the suit, Marquez promising to write the necessary pleadings (escrituras), in proof of which we have a letter from Marquez to Stevenson, asking him for 30 dollars on account of these services, and yet Marquez, in his character of Judge, condemns Stevenson in the full amount claimed, and 500 dollars damages. No bill of lading or contract having been signed, Bórges could not recover against the owner of the "Flying Fish," or against Stevenson, who acted simply as agent.

Mr. George Treviranus.

Judgment of Señor Mora, Umpire.

Caracas, September 15, 1869.

HAVING duly considered this case of Mr. George Treviranus, submitted to me with your statement on the 13th ultimo, my Award is, that the said Mr. Treviranus has no right to claim at the hands of the Government of Venezuela.

I return the documents presented to me, and remain,

(Signed) GUILLO. YRIBARREN MORA,
Umpire.

Mr. G. P. C. Richardson.

Judgment of Dr. Mendez, Venezuelan Commissioner.

G. P. C. RICHARDSON claims 1,449 dollars, according to an account which he presents, for losses which he says he has sustained owing to the detention of the sloop "Norma" (of which he was the Captain), from the 12th of July to the 20th of November, 1861, in virtue of orders issued by the Authorities of the Port of Carúpano.

On the 15th of July a contract was entered into between Richardson and Mr. Vincent Piccioni for the freightage of the "Norma," with the object of proceeding to Ponce and Guayanilla (Puerto Rico), there to receive, for transportation to Carúpano, a cargo of 900 quintals of corn (folio 1), and on the 21st of the same month we have a bill of lading, signed by Richardson, of a shipment on board of the "Norma" of 84,914 pounds of corn for delivery at Carúpano, to Mr. Vincent Franceschi (folio 5). There are no other documents.

In the narrative which the claimant presented to the French Vice-Consul at Carúpano, submitting to him what had occurred between him and the Custom-house officials of that port (folio 3), the interested party declares that on his beating up from Guayanilla to Carúpano, he encountered a storm which compelled him to put into St. Thomas, whence, after certain repairs, he sailed on the 26th of June, despatched solely by the Custom-house, as he was ignorant of the formalities which the laws of Venezuela exacted; and as he had been informed that it was only necessary to obtain a Bill of Health, he did not fail to fulfil this obligation, and consequently he could only deliver into the Custom-house of Carúpano the despatch from St. Thomas and the register; and that when he asked permission to discharge, he was notified by the Custom-house Authorities that for having infringed the law he was fined in the sum of 1,200 dollars; and that having then requested that the register should be returned to him, in order that he might return to St. Thomas for the purpose of complying with the legal formalities, this request was refused him, notwithstanding, as he adds, that the law concedes a term of five days to every vessel arriving from foreign parts to determine whether or not to discharge. And later, in another narrative which the said Richardson sent in to the Hon. Mr. Orme, Consul-General and Charge d'Affairés of Her Britannic Majesty, he further says that he did not, in due course, go to Guayanilla, because there was no Venezuelan Consul at that port. And I must add, in order to finish the recital of the facts, that it is assured, and of which there exists proof in the British Legation, that the "Norma" was authoritatively taken out of the port by a vessel from the West Indian Station, in derision of the laws and authorities of Venezuela.

Be it observed that Richardson has produced no proof whatever of the facts to which his narrative refers. Therefore the Umpire must declare that the claim cannot be admitted for want of proofs. This is a conclusive argument, and I form with it a peremptory objection under my most solemn protest.

I wish, however, to demonstrate that had the narrative of the interested party been even corroborated, still his complaint would always have been totally unreasonable.

Firstly. The sloop "Norma" sailing from Guayanilla, did she leave this port with the papers required by the Decree of the 5th of November, 1856, as to Custom-house regulations in regard to importations? No, Sir.

Captain Richardson only furnished himself, at Guayanilla, with the bill of lading, or say with that document which insures the rights of the interested parties, the one in respect to the other, as far as regards the shipment; but he did not furnish himself with the manifest of the cargo, as required by No. 2, nor with the closed and sealed paper containing the original invoices certified by the Consul of Venezuela, as required by

No. 3 of the said law, both of which documents are for the protection of the fiscal interests. "The non-presentation of the manifest . . . . causes the Captain to incur a fine of 200 dollars" . . . . "the non-presentation of the sealed paper, *whatever may be the cause*, makes the Captain incur a fine of 1,000 dollars" (according to the said article).

Secondly. Did the sloop leave St. Thomas legally despatched? No, Sir.

Captain Richardson himself confesses that he had done nothing through ignorance; an ignorance totally unjustifiable, for there being a Venezuelan Consul at St. Thomas he could easily have obtained information when he asked for the Bill of Health. But it is evident there was no such ignorance of formalities, when he confesses that he did not comply with them at Guayanilla because there was no Venezuelan Consul there.

Thirdly. Is his excuse that there was no Venezuelan Consul at Guayanilla of any value? No, Sir.

No. 3 of the said 2nd Articles ordains that "the original invoices of the goods shipped shall be 'visé' by the Venezuelan Consul, and in his defect, by the Consul of a friendly, neutral nation; and in defect of any such, by the civil authority of the place where the shipment is made, in which latter case the absence of a Venezuelan Consul, and of Consuls of friendly and neutral nations, must be expressed."

Fourthly. When the consignee of the sloop asked the collector of the Custom-house for the register, on the plea that five days were allowed by law for him to resolve whether he should discharge the vessel or not, ought the collector to have returned the register, thus leaving the Captain free of responsibility? No, Sir.

The vessel anchored in the port without her legal papers, and the consignee resolved to unload her, and asked for the necessary permission; and thus the responsibility of Captain Richardson was made evident, and he was at once notified that he had incurred the fines, as hereinbefore stated. Once that these fines had been imposed, the vessel could not be returned to the Captain before he had paid them; for according to the 8th Article of the law, if the Captain fails to pay through insolvency, or for any other reason, the vessel and her apparel remain responsible, &c.

Fifthly. But when the register was applied for to return to St. Thomas in order to comply with the necessary forms, ought the collector of the Custom-house to have returned the register? No, Sir.

The law did not authorize the collector for any such thing, and much less when the Captain had been declared responsible; and it is clear that had that employé condescended to the return of the register he would have incurred a grave responsibility.

In any case the employés of Carúpano only fulfilled their duty; and let it not be said that they ought to have attended to such and such considerations of equity, as advanced by Richardson, for they could grant nothing in contradiction to the definite dispositions of the law.

Such considerations might perhaps be entertained at a reformation of the law, but never by the employés intrusted with the execution of that law.

Let us suppose that Richardson was really ignorant of the formalities in respect to importations into Venezuela, (which is not even presumable), and let us suppose that he acted without any intention of fraud, at what conclusion should we arrive? That Richardson would remain morally justified in the consciences of the employés of the Custom-house, but never as regards the law; and if ignorance and innocence were acceptable excuses, such ignorance and innocence would speedily convert the Custom-house offices into a traffic ruinous to the Republic.

In conclusion, the claim of Captain Richardson, reduced as it was by the Honourable Mr. Orme to the remittal of the fine was excusable, but to pretend to get money out of the nation under a pretext of damages . . . is unjustifiable!

Mr. G. P. C. Richardson.

Judgment of Mr. Joel, British Commissioner.

THIS is a claim for damages for the illegal detention of the schooner "Norman" at Carùpano for four months and eight days, by the authorities of that port.

The "Norman" was chartered at St. Thomas to proceed to the Port of Guayanilla, Island of Puerto Rico, there to take in a cargo of corn (maiz), and to proceed from thence to Carùpano, there to discharge. There being no Venezuelan Consular Agent, or Consul of any friendly nation at Guayanilla, the "Norman" was cleared in due form by the local authorities.

On her voyage to Carùpano the "Norman" encountered so severe a stress of weather, that she was obliged to put into St. Thomas. After repairing sails, and obtaining a clean bill of health, she again sailed for Carúpano, where she arrived in July 1861.

The captain duly presented his papers to the Administrator of the Custom-house of that port and requested permission to discharge, but was told in reply that as his papers were not signed by the Venezuelan Consul at the port of lading, or at St. Thomas, permission to discharge would not be granted to him. It must be borne in mind that there was no Venezuelan Consular Officer at Guayanilla, the port of lading, or Consul of any friendly nation, so that it was absolutely impossible to obtain a Consular certificate of any kind; that the cargo was free of all import duties, so that no allegation of fraud on the revenue could have been made against the vessel or captain; and that the pretext that a Consular certificate could have been obtained in St. Thomas, where the "Norman" was driven by stress of weather, is wholly untenable, as no Consular Officer having a knowledge of his duties, would certify under his hand and seal to the contents of a cargo taken on board at a foreign port, the nature of which he could only know from hearsay evidence, and which would consequently have been valueless if obtained.

That the captain desired to conform, so far as possible, with the laws of the country is proved by his request to the Administrator of the Custom-house of Carupano to redeliver to him his papers to enable him to return to St. Thomas and obtain the certificate which the Administrator pretended was necessary. His request, though made within forty-eight hours of his coming to anchor, was illegally refused, and he was condemned to pay a fine of 1,200 dollars, and in default of payment the vessel to be confiscated.

The captain immediately proceeded to Caracas and laid his case before Her Majesty's Chargé d'Affaires, who, on the 9th of August, 1861, represented the case to the Minister of Foreign Relations, who, in his reply, dated the 17th of the same month, stated that the matter had been passed to the Minister of Finance for his decision, which decision, I may here state, has not, up to this date, been arrived at.

The captain, weary of delay, submitted his case to Captain Hillyar, C.B., of Her Majesty's ship "Cadmus," who despatched Her Majesty's ship "Baracoutta" to Carupano to release the "Norman," which was done on the 20th of November, 1861.

The claim is as reasonable in amount as it is just in every particular, and I am of opinion that the Umpire in his award should allow a moderate rate of interest from the date of the release of the vessel until the claim be paid.

Mr. G. P. C. Richardson.

Judgment of M. Stürup, Umpire.

(Translation.)

To the Commissioners for the Settlement of British Claims.

Caracas, September 29, 1869

HAVING made myself fully acquainted with the documents ("expediente") in reference to the claim of Mr. George P. C. Richardson, which you submitted to my consideration, and also with your respective statements on the subject, I proceed to give my judgment in the following manner:—

The exaction of the fine by the custom-house of Carùpano was a hard case, especially when we consider that the vessel was of the smaller class, and that, as is well known, such vessels are usually commanded by ignorant masters; and if to this fact we add that the cargo being composed entirely of corn, an article which pays no import duty whatever, there could not have been, for these reasons, any intention of fraud.

And if the directors of that custom-house had no power to remit the fine, it is also true that it was the duty of the National Government to have shown some consideration in favour of commerce generally, and in this case in favour of an unfortunate man, the subject of a friendly nation, and whose fault consisted solely in his ignorance. The fact also that the arguments of the British Legation in favour of Richardson were not attended to shows a grave want of common attention to commercial interests, and even of courtesy to the person who directed the representation.

On the other hand, it is evident that Captain Richardson came without the necessary documents required by law; that he did not either present those proving the damage ("averia") his vessel had sustained; that, in common with all masters of vessels, he should have made himself acquainted with the formalities and requisites established in the

country to which he was bound, especially as when in Saint Thomas he could have obtained the necessary information even from the freighter of his vessel; and, in conclusion, as this vessel was extricated by the opportune intervention of a vessel of war of his nation; taking all these facts into consideration, I am of opinion there are no grounds why any indemnification should be allowed to the said Richardson.

I am, &c.

(Signed) GUILLO. STURUP, *Umpire by Lot.*

Thomas Antiga and Philip Williams.

Judgment of Dr. Mendez, Venezuelan Commissioner.

(Translation.)

THE British Commissioner sustains, as the legitimate Representative of the Republic, a certain Mr. P. Salazar, who entitles himself "El Fiscal del Fisco," in some documentary proofs presented by Mr. Thomas Antiga and Philip Williams in October, 1865, before the District Court of the Boca del Pao in Barcelona, with the intention of proving losses incurred during the war of the Federation.

Mr. P. Salazar might very well have been a collector, or perchance an administrator of the rents of the district "Boca del Pao," but the Procurator of the nation (mandatary *ad hoc*) in the State of Barcelona, who in conformity with the 4th rule of the 28th Article of the Law on Public Credit of the 16th June, 1865, and the resolution of the administration of the same Department, dated the 8th of the following August, should have cross-examined the witnesses, was General Ricardo Silva, as is shown by the two notes which I transmit herewith, the one marked A being original, and the other marked B being a certified copy.

If I could believe that it were necessary for me to make any observation to show that it was an absurdity to attach a legitimate representation of the nation to the first comer who should present himself in a tribunal calling himself the "Fiscal," without being invested by the nation with powers to that effect, I would believe also that the execution of the Commission confided to me is unnecessary, and I should prefer at once to resign.

(Inclosure A.)

"Sir, "*Caracas, September* 11, 1869.

In reply to your communication of the 7th of this month, I have the honour to send you a copy of the answer given by the Department of Interior and Justice, in respect to your inquiry as to who was the person that occupied the post of Procurator of the nation in the State of Barcelona in October 1865.

"Union and liberty!

(Signed) "T. RIERA AGUINAGALDE.

"To Dr. Juan de Dios Mendez."

(Inclosure B.)

(Translation.) "*Estados Unidos de Venezuela,*

"Citizen Minister of Foreign Relations, "*Caracas, September* 10, 1869.

"In reply to your note of yesterday I have the honour to state to you that in the archives of this Department it is to be seen that the citizen General Ricardo Silva was named the National Procurator in the State of Barcelona on the 19th August, 1865, which post he must have occupied in the month of October, for in the correspondence with the said General Silva there are letters with the date of November of that year, and there is nothing to show that between August and the said month of November any other nomination had been made.

"Union and liberty!

(Signed) "VICENTE AMENGUAL.

"Copy.

"The Secretary for Foreign Relations,

(Signed) "RAFAEL SEIJAS."

Tomas Antiga and Philip Williams.

CASE FOR DECISION BY THE UMPIRE.

Statement of Mr. Joel, British Commissioner.

THE Venezuelan Commissioner having taken a preliminary objection to these claims being adjudicated upon by the Commission, a detailed statement of the facts becomes unnecessary, the *sole* point for the decision of the Arbitrator is the following:—Can the Commissioners examine and adjudicate upon these claims on their merits?

The objection raised by the Venezuelan Commissioner is, in my opinion, neither good in law or equity. The claimants present their pleadings (escrituras) to the District Judge, requesting him to cite certain witnesses, and, in compliance with due form of law, and in the presence of the Fiscal, obtain their declarations.

The Judge in compliance with this request, and in the performance of his duties, cites the witnesses and the Fiscal, who signs each declaration as "El Fiscal, P. Salazar."

The Venezuelan Commissioner maintains that Señor Salazar was not the Fiscal; but even if this could be proved, and it has not been, I am of opinion that the claimants are not to suffer for the Judge's error. The claimants request the Judge to cite the "Fiscal;" they do not mention the name of Señor Salazar or any other person; their request is simply to cite "the Fiscal, in compliance with the due form of law, and the Judge having cited Señor Salazar, who signs the declarations as "El Fiscal," I am of opinion that the claimants are entitled to have their claims considered on their merits.

The Venezuelan Commissioner has inclosed in his case two documents obtained from the Department of Foreign Relations. These documents are not papers properly before the Commission, and are, therefore, not entitled to consideration; but even if they were, they prove nothing, as it is not denied that the Fiscal resident in the capital of each State has power to delegate his functions to others resident at a distance from the capital.

I would also observe that a Mixed Commission for the adjudication of claims is, to a certain extent, an international Court of Equity, and in no way a Court of Appeal on points of laws, or in error.

Tomas Antiga and Philip Williams.

Judgment of Señor Mora, Umpire.

Caracas, September 15, 1869.

To Lewis Joel, Esq., British Commissioner in the Mixed Commission of British Claims on Venezuela.

Sir,

ON the statement received from you, yesterday afternoon, of an incidental question caused by "a preliminary objection" taken by the Venezuelan Commissioner to the claims of Messrs. Tomas Antiga and Philip Williams being adjudicated upon by the Commission, I have duly considered the point, which you state is the sole one for the arbitrator to decide, namely, in the words of your statement, "Can the Commissioners examine and adjudicate upon these claims on their merits?"

And my decision on that sole point, as stated to the exclusion of all and every other matter and consideration in the context of your precited statement, is, that the Commissioners can in reason of equity, courtesy, and of other obvious considerations, examine and adjudicate upon those claims on their merits.

As the statement submitted to me by the Venezuelan Commissioner accompanying yours, tends to place the question on grounds differing radically from those taken by you and on which, solely, it has been viewed and decided by me, I have seen him on the subject and stated my views, and now forward for him the accompanying translation of this decision, as I have done in all previous cases.

I remain, &c.

(Signed) GUILLO. YRIBARREN MORO,
Umpire by Lot.

C. Dumaine, J. C. Blondel, J. R. Hartman, D. Pampelloni, W. L. Syers, E. Brandt, P. Award, and F. Labaday.

POINT FOR DECISION BY THE UMPIRE.

Statement of Mr. Joel, British Commissioner, and Dr. Mendez, Venezuelan Commissioner.

THE Umpire to decide in view of the arguments adduced by both Commissioners in the respective notes herewith inclosed, whether the Commission ought or not to consider and adjudicate upon the claims ("expedientes") of C. Dumaine, J. C. Blondel, J. R. Hartman, D. Pampelloni, W. L. Syers, E. Brandt, P. Award, F. Labaday, the documents in support of which are herewith accompanied.

Decision of Señor Mora, Umpire.

Caracas, September 22, 1869.

The point now submitted to me, having reference to the claims ("expedientes") of C. Dumaine, J. C. Blondel, J. R. Hartman, D. Pampelloni, W. L. Syers, E. Brandt, P. Award, and F. Labaday, and the exposition of which, in a collective form, I received day before yesterday, is identical with the point I decided on the 15th of this month. Wherefore, guided by the same reasons for my determination in that case, I reproduce and ratify my said decision of the 15th, declaring that the Commission ought to consider and adjudicate upon the above-mentioned claims expressed in the aforesaid exposition.

(Signed) GUILLO. YRIBARREN MORA,
Umpire by Lot.

Mr. H. Court and Mr. H. Borde.

Judgment of Dr. Mendez, Venezuelan Commissioner.

(Translation.)

Mr. H. Court claims the value of forty-five ordinary shares of the Bank of Venezuela (11,250 dollars). I shall circumscribe myself to making a transcript of the part having reference to this class of claims contained in the Report on several of them submitted for the decision of Mr. Yribarren Mora, the Umpire chosen by lot.

"With respect to shares and notes of the Bank of Venezuela, the claims are perfectly preposterous. What does the Government owe to the holders of shares and notes? The public debt which came in to form the capital of the Bank, for the very same reason ceased to be a claim of the holder against the Government, having thereby become a claim of the Bank against the Government. The Bank shares obtained with the said debt were the titles of a partnership capital. The notes having a term to run, were obligations of the Bank in favour of the bearers. In the balance, amounting to 4,820,125 dollars, of the liquidation, up to the 30th of June, 1866, ordained by the Law on Public Credit of the 16th June, 1865, of the account-current kept by the Bank with the Government, the amount of 3,172,009 dollars 19 cents, appears, value of the public debt sold to the Government, in conformity with the 7th Article of the contract, converted in preferential and ordinary shares, and reduced to Bank prices; and in consequence the said balance was acknowledged by the Government in the Resolution of the Department of Public Credit, of the 23rd of November of 1865, and the whole of the circulating Bank paper deposited in the safes of the Bank destroyed. Whence, therefore, do the shareholders of the Bank, who subscribed with public debt, pretend to derive the right to be paid by the Government what it owes to the Bank in liquidation? And whence do the creditors of the Bank pretend to derive the right to be paid by the Government what is directly owing to them by the Bank? How can these gentlemen, partners, and creditors, withdraw from their respective position with respect to the Bank, to convert themselves into immediate and direct creditors of the nation? This has no explanation.

Mr. H. Court and Mr. H. Borde.

Judgment of Mr. Joel, British Commissioner.

Mr. Henry Court, Barrister-at-law, and Member of the Legislative Council of the Island of Trinidad, and Mr. H. Borde, of the same place, merchant, claim the sum of 11,250 dollars, the value of forty-five ordinary shares of the Bank of Venezuela.

Although these shares, in their origin, did not constitute a direct liability of the Government of Venezuela, events which subsequently transpired made clear the responsibility of the Government. The Charter issued by the Bank, and the contract between it and the Venezuelan Government were public documents, in which the national credit was pledged.

For these reasons, and those set forth in the annexed protest, I am of opinion that the arbitrator should award the full amount claimed.

"The Protest of Henry Court, of Port of Spain, in the Island of Trinidad, Barrister-at-law, and of Hypolite Borde, of the same place, merchant, against certain acts of the Venezuelan Government.

"The Government of Venezuela, after recognizing a debt due by them to a Banking Joint Stock Company in Caracas, called the 'Compania de Accionistas,' which debt had been contracted by the Government of Monagas, encouraged and authorized the starting of a new bank called the Bank of Venezuela.

"This new bank was established principally with the view of saving the Government from bankruptcy, by supplying them, on certain conditions, with the monies required for the payment of their liabilities, and for their other necessaries. The shareholders of the 'Compania de Accionistas' were admitted into this new bank, their old shares being converted into shares of the new bank at a loss of 35 per cent. Four months after the establishment of the bank, they stopped payment, owing, amongst other causes, as it is reported, to the Government failing to comply with the stipulated conditions.

"The present Government availed themselves of the stoppage of the bank to purchase its shares at 50 per cent. less than their value, by threatening to wind-up their business; in which case their only available assets being the debt due to them by Government, the shareholders would get nothing, inasmuch as the Government debts in the present state of the country being of very little value (if any), the debt due by them to the bank, if offered for sale, would realize little or nothing. The Government avowed openly that they would procure their debt to be purchased for a mere trifle, if brought to a sale. Had no threat been held out by the Government, and had they in a straightforward manner offered the small amount of 50 per cent. in cash, the transaction might, perhaps, have been considered as a fair composition on their part in their present financial embarrassments; but such was not the case. In addition to the moral pressure resorted to by them, the amount offered was to be paid with some sort of paper, for which the utmost that can now be obtained is 33 per cent. of its nominal value, so that the shareholders will only get about 12½ per cent. of their money. We have no wish to characterize this act of the Government. Independently of the above objections, which are sufficient to vitiate this act of the Government, no one was ever authorized to consent to the above transaction or composition on behalf of the Undersigned. The Undersigned, therefore, as British shareholders of the bank, repudiate and disavow all consent which may have been given thereto on their behalf, by any person whomsoever; and most solemnly and energetically denounce and protest against the above transaction as being fraught with the greatest injustice to the Undersigned.

"*Trinidad, November* 1, 1862.

(Signed) "HENRY COURT.
"H. BORDE."

Mr. H. Court and Mr. H. Borde.

Judgment of M. Stürup, Umpire.

(Translation.)

With respect to the claim of Messrs. Henry Court and H. Borde, for 11,250 dollars, the value of forty-five shares of the Bank of Venezuela, I award that they ought to be paid the Half of that sum, in accordance with what was agreed upon between this Govern-

ment and those of France and Denmark, with respect to notes of that Institute, these being worth the same as the shares, with very little difference.

	dols.	cents.
I, therefore, award that these gentlemen be allowed the sum of	5,625	„
With interest at 4 per cent. per annum, for seven years and five months, from the 1st May, 1862, to date, that is ..	433	87
Amounting to ..	6,058	87

The said amount gaining interest hereafter, at the same rate as may be agreed upon, shall be paid to all the other British claims.

(Signed) GUILLO. STURUP, *Umpire by Lot.*

October 1, 1869.

Mr. William Ackers Cage and Mrs. Sarah Campbell.

Judgment of Dr. Mendez, Venezuelan Commissioner.

(Translation.)

MR. W. Ackers Cage and Mrs. Sarah Campbell claim from Venezuela the 28½ per cent. with interest, of their respeetive claims against the late Republic of Colombia: that of the former consisting of eight bonds of those known as "Denda Pagadera," each for the amount of 2,000 dollars; and that of the latter consisting of two bills of exchange, representing a capital of 5,995*l.*, drawn by the Minister of Finance, in favour of the claimant's husband and against the Representative of the Republic in London, which bills were protested.

I must make some decisive remarks, to the effect that the present Commission cannot occupy itself in deciding these two claims, because not within its competence.

Mr. W. Ackers Cage freely and spontaneously presented his claim to the Board of Public Credit of Venezuela, through the medium of Her Britannic Majesty's Consul, as appears from the certified copy of the notes I inclose, marked A and B. Mr. W. Ackers Cage says, in the note B to his Consul, that notwithstanding these and other considerations he submits them to the recent Decree of the 14th of July, 1865, (which attributed to the Board of Public Credit the liquidation and classification of all the claims against the nation). And it makes no difference to the contrary, that he should later have taken back his bonds through the medium of the same Legation; the Board, to fulfil its duty, only required to leave a formal copy of them in its archives; independently, that according to the VIth Article of the Decree of the 1st of the said month and year, the documents might well be accidentally returned to the interested parties, under necessary precautions. And to this must be added: that in a reply given by the Minister of Foreign Relations, of Venezuela, to the Hon. Mr. Fagan, Chargé d'Affaires of Her Britannic Majesty, under date of the 19th of December of 1868, with respect to certain requests for the devolution of documents of claims which were in the Department of Public Credit, he thus expresses himself:—"With respect to the claims of . . . . . , laid before the Board of Credit, that Department has ruled: that foreigners, who have applied direct and spontaneously to the Board of Public Credit, presenting their claims against the public Treasury, have, by that very fact, acknowledged and accepted the rules established by law for the substantiating and solution of them; and that they are, therefore, in the same case as Venezuelans, and cannot retire the proofs of their claims ('expedientés') to submit them to international intervention, because they ought to follow the legal course before the Board of Public Credit, and the withdrawing of them would be equivalent to resigning their right."

Mrs. Campbell requested the British Legation to submit her claim to the Venezuelan Legislature, and it was so done by the Hon. Mr. Fagan, with so mnch interest that, according to the certified copy of the note I inclose, marked C, it was specially reminded to the Minister of Foreign Relations by the Legation, on the 20th of April, 1866, and in effect the Minister complied with the request of the Legation according to the note I likewise inclose, marked D.

As we see these affairs cannot well figure in this Commission, affairs which the British Legation, and not the interested parties in person, presented to the Board of

Public Credit and to the National Congress; and so much so that Mrs. Campbell's bills are in the office of the Secretary of the Senate.

But, supposing that the Commission might take cognizance of such claims, and that the Umpire be willing to acknowledge them, how can he do so without the act of authentication and qualification, which cannot take place without a view of the books and an examination of the notes of Colombia, since they were not examined (not having been produced) by the Commission of Plenipotentiaries of Venezuela, New Granada, and Ecuador, which met in Bogota precisely at the place where all the data to the purpose were at hand. This, independently, that from the fact itself of their not having been presented to the said Commission within the time prescribed by the Convention which created it, the rights of such claims lapsed.

At all events, Sir, Why has the British Legation not preferred that the Government of Venezuela should inform Congress of the state of these claims, that the latter, who can, may fully decide what is convenient?

Inclosures.

(A.)

(No. 6.) *British Consulate-General, Caracas,*
Sir, *December* 30, 1865.

I HAVE the honour to transmit to your Excellency eight Colombian Bonds, Nos. 15, 16, 17, 18, 871, 872, 873, 874, as well as copy of the representation which was sent in with the same, and of the statement of said bonds, comprising copy of one of them (No. 15), and I have to request that your Excellency will give the subject your earliest attention, returning the original bonds, if convenient, as requested in his representation by Mr. Cage.

I have, &c.
(Signed) E. T. HARRISON.

To his Excellency Señor Rafael Seijas,
Minister of Foreign Relations of Venezuela.

(B.)

Sir, *Ananco, Caracas, December* 29, 1865.

HAVING been informed that the Chief of the Executive Power of Venezuela has issued a Decree calling upon all holders of Internal Debt, &c. to present their credits before the end of this month, under the penalty of forfeiting their rights, &c., I have the honour to transmit herewith, for their settlement by the Venezuelan Government, eight Colombian Bonds, called "Denda Pagadera," Nos. 15, 16, 17, 18, 871, 872, 873, 874, each of the value of 2,000 dollars, gaining interest at the rate of 5 per cent. per annum from the 1st of July, 1826, duly examined and registered at the respective offices appointed by the Government of Colomba, and ordered to be paid by the Custom Houses of La Guaira and Maracaibo of this Republic, but which order was not fulfilled.

The said bonds, with interest calculated up to the 3rd of this month, amount to 47,600 dollars.

I accompany a statement of the bonds with a copy of one of them, that the bonds may be returned after examination, if convenient—the statement and copy remaining in their place until their settlement.

In 1859 I presented these bonds to the "Junta de Credito Publico," when they were returned to me with the information that they were all correct but had been adjudicated to the Republic of Ecuador. The difficulties of travelling between these extensive but thinly populated Republics, generally in civil war, its expensiveness, the insecurity of the postal communication, &c., prevented me from stating until lately that the Government of Ecuador and Nueva Granada maintain that these bonds are to be settled with Venezuela. Subsequently I personally applied to the British Legation, when I was told that there were other claims of a similar nature under arrangement, and that I had better wait until something was done in the matter; but now, having been informed of this Decree, although I cannot consider it equitable and right for any debtor to declare his obligations to his creditors to be cancelled, merely because they may not have presented their claims within a term arbitrarily fixed by said debtor, I nevertheless submit to the said Decree in so far as it calls for a presentation of the credits, which I hereby

do, trusting that, as Her Majesty's Representative in this country, you will afford me your assistance in the settlement of this affair.

I have, &c.
(Signed) WILL. ACKERS CAGE.

To E. T. Harrison, Esq.,
Her Britannic Majesty's Acting Consul-General.

(C.)

(No. 15.)
Sir, *Caracas, April* 20, 1866.

WITH reference to Mr. Seijas' communication of the 21st of November of last year, I beg to remind your Excellency of the promise therein conveyed, that the claim of Mrs. Sarah Campbell would be submitted to Congress during the present Session.

I have, &c.
(Signed) GEORGE FAGAN.

His Excellency Señor C. Rodriguez,
Charged with the Portfolio of Foreign Affairs.

(D.)

United States of Venezuela, Department of Foreign Relations, Central Section, Caracas, May 1, 1866, *3rd year of the Law and 8th year of the Federation.*

(No. 90.)
Citizen,

IN order to obtain the necessary decision of the National Legislature I transmit to you a collection of documents ("expediente") wherein Her Britannic Majesty's Chargé d'Affaires claims in favour of Mrs. Sarah Campbell the portion due by Venezuela of the amount of two bills of exchange drawn by the Government of the old Republic of Colombia against its Minister in London, and which were not paid to Mr. Alexander Campbell, who had received them in settlement of what was owing to him by that Government. It having been promised that the affair would be submitted to the Legislative Body in the present Session, by means of this communication I fulfil the promise of the Acting President.

God and the Federation.

(Signed) RAFAEL SEIJAS.

To the Citizen Secretary of the Chamber of the Senate.

A true copy.

The Secretary of Foreign Relations,
(Signed) RAFAEL SEIJAS.

Mrs. Sarah Campbell.

Judgment of Mr. Joel, British Commissioner.

Sir,

THIS claim is for 28½ per cent., the proportion due by Venezuela of a debt of the old Republic of Colombia.

The facts are so clearly detailed in the annexed memorial of Mrs. Campbell, that a few brief remarks are all I think necessary.

The two bills of exchange on which this claim is founded, one for 1,000*l.*, the other for 1,200*l.*, were in 1854 computed, with interest, to amount to 5,295*l.*, in which year New Granada paid her quota of 50 per cent., amounting to 2,997*l.* 10*s.*, leaving an equal amount to be paid by Venezuela and Ecuador in the following proportion—28½ per cent., or 1,708*l.* 11*s.* 6*d.* by the former, and 21½ per cent., 1,288*l.* 18*s.* 6*d.* by the latter.

In 1855 a copy of the annexed Memorial was presented to the Venezuelan Government, with a request for the payment of the amount of the claim, which request has been repeated at intervals up to the date of the Convention entered into between Great Britain and Venezuela on the 21st September, 1868, for the adjudication of pending British claims, under which this Commission was created.

The pretext that this Commission cannot adjudicate upon this claim because it was, after the lapse of eleven years, presented to the Venezuelan Senate in 1866, is utterly untenable. The Senate took no action thereon, and as the Convention of the 21st of September, 1868, was entered into for the settlement of all pending claims, this claim being then pending, it is the undoubted business of the Commission to adjudicate upon

it. Several claims of this nature were adjudicated upon by the Mixed American and Venezuelan Commission in 1867-8.

I am of opinion that the claim should be allowed for the sum of 1,708*l.* 11*s.* 6*d.*, with interest at the rate of 6 per cent. from the 1st of March, 1854, the date when the amount was computed, and the Republic of New Granada liquidated her quota of 50 per cent. of the claim.

In my case on the claim of Mr. William Ackers Cage, I have referred to the argument adduced by the Venezuelan Commissioner, that this claim is invalid because it was not presented to the Plenipotentiaries of New Granada, Venezuela, and Ecuador, who met in Bogotá in 1837.

The argument is bad in law and bad in equity; and to a gentleman so high-minded as the Umpire I need not say that such a defence is also wanting in those established principles which are binding upon nations, as well as commercial bodies, in the conduct of their monetary affairs.

I think it deserving of remark, that when the Congress of New Granada ordered the tardy payment of claims of this character, it placed on record the following honourable sentiment:—

"That there is no right to refuse to recognize and pay a debt solely because the creditor had not applied within a time arbitrarily fixed by the debtor."

The Memorial of Sarah Campbell, of Wilner Street, Chelsea, in the County of Middlesex, widow.

Showeth,

THAT Alexander Campbell, your Memorialist's late husband, established in London for many years as a West Indian merchant and ship-owner, but from unavoidable losses and misfortunes became greatly reduced in circumstances.

That in the year 1824 the deceased employed an agent in the West Indies to collect the remainder of his outstanding property, and particularly a considerable debt due from the Colombian Government, which forms the subject of the present Memorial now humbly submitted to your Lordship.

That this agent being obliged to return to Europe on account of ill-health, deputed in his place Señor Miguel Calvo, a merchant in Haiti (but long since deceased) who proceeded to Bogota and obtained a settlement of accounts with the Colombian Government, and received in payment two bills of exchange for the several sums of 1,200*l.* and 1,000*l.* sterling, dated at Bogota 3rd June, 1825, drawn by Señor J. M. Castillo (then Minister of Finance), on Señor W. J. Hurtado, then Agent in England of the Colombian Government, payable at ninety days' sight to Señor Simon Burgos, and endorsed by him to Señor Calvo, and then endorsed and remitted by the latter to Mr. Campbell.

That on the same day on which these bills were drawn, Señor Castillo addressed official letters to Señor Hurtado, directing him to pay these (and two other ones) out of the funds raised by loan in England for the Colombian Government, which letter Señor Calvo forwarded to Mr. Campbell with these two bills.

That on the receipt of the bills Mr. Campbell presented them to Señor Hurtado in London for acceptance, and afterwards for payment, which was refused (the loan having been otherwise applied), and the bills were duly protested for non-payment.

That Mr. Campbell then sent the bills to Colombia, and employed a special Agent to endeavour to obtain payment, but without success, and he ultimately placed them in the hands of Mr. Turner, Her Britannic Majesty's Consul at Bogota, and requested him to urge payment.

That in the year 1834 Mr. Campbell received a letter from Mr. Turner, dated the 10th of July, 1834, as follows:—

"On the separation in 1832 of the three States which formerly constituted the Republic of Colombia, the Congress of new Granada passed a law enacting that no claim of Colombian creditors would be entertained until the Plenipotentiaries of all the three States should settle the proportion of the foreign debt to be assigned to each; I have, therefore, kept yours, with other similar documents, in safe deposit, without making them the subject of applications which I knew would be useless. I am happy to tell you that it is now agreed that the meeting of Plenipotentiaries shall take place on the 15th of next month. They will agree in assigning to each State its proportion of the debt, and such payments as shall be made are to be made *in London*, of which due notice will be given, so that you will then, in common with the other creditors of Colombia, have *an opportunity* of *proving your claims* in the proper and convenient quarter."

(Signed) WILLIAM TURNER.

That on the 23rd December, 1834, a Convention was concluded between the Republic of Venezuela and the Republic of New Granada for the acknowledgment and division of the active and passive credits of Colombia, whereby it is recited that the Republic of Venezuela and the Republic of New Granada being desirous to settle all that concerns the active and passive debt, which both Republics and that of the Equator recognized or contracted for, whilst they were united and constituted in one national body under the title and name of the Republic of Colombia, agreed on the following (amongst other) Articles :—

The Republic of Equator being invited to concur therein.

That the division of the debts and credits of Colombia shall be realized in these proportions in each 100 parts.

Venezuela charges herself with 28½.

New Granada with 50.

And the Equator shall charge herself with 21½.

The Convention then proceeds to enumerate various loans and other credits obtained by the Republic of Colombia, and divides them amongst the three Sates in the above-mentioned proportions.

That in the month of October, 1839, and not before, three Commissioners representing these three States met in London to carry this Convention into effect, viz. :—His Excellency Señor Mosquera, for New Granada; his Excellency General O'Leary, for Venezuela ; and his Excellency Señor Gual, for Ecuador.

That on the 9th of the same month of October, 1839, the said Alexander Campbell (by his agent), gave notice *in writing* of his demand on the above-mentioned bills of exchange to each of the said Commissioners by the following letter, which was delivered to them at their respective residences in London, viz. : to Señor Mosquera, at Fenton's Hotel, St. James' Street; and to Señor Gual, at No. 5, Fitzroy Square; and to General O'Leary, at No. 59, George Street, Portman Square, and requested payment.

Sir,

"I have the honour to acquaint your Excellency that I am the holder of two bills of exchange dated Bogotá, 3 June 1825, one is numbered 587 and is for the sum of 1,200*l.* sterling; and the other is numbered 588 and is for the sum of 1,000*l.* sterling. Both these bills are drawn by Don J. A. de Castillo (the Colombian Minister of Finance), on Don M. J. de Hurtado, Agent of the Republic, in London, payable to Don Simon Burgos, and endorsed by him at Curaçao to Señor Calvo, of Hati, and by him to Mr. Alexander Campbell of this City.

"Understanding that your Excellency is empowered to liquidate such demands, I beg leave to solicit payment of the above bills with interest, and shall be much obliged by any information which your Excellency may be pleased to afford me respecting their liquidation.

I have, &c.

(Signed) "C. CHATFIELD,

"*Agent for Mr. A. Campbell.*

"To his Excellency Señor Mosquera, his Excellency
General O'Leary, and his Excellency Señor Gual."

That Señor Mosquera (the Commissioner for New Granada), replied by letter, dated the 14th of October 1839, "that his Commission did not extend to take cognizance of debts of the same class as Mr. Campbell's." On which Mr. Campbell renewed his application to Señor Mosquera by letter dated October 30, 1839, and requested his Excellency would "be pleased to report his debt to the Columbian Government and obtain the necessary instructions to enable his Excellency to take cognizance of it."

That the said Alexander Campbell made other applications to the said Commissioners, but was unable to obtain any payment or other satisfaction, and subsequently he presented various memorials from time to time during his lifetime (as also your Memorialist since his decease) to Her Majesty's Government praying its intervention to obtain payment, especially because the bills were taken by him in payment of *bonâ fide* debt, and not by way of profit or any speculation.

That by a Convention dated Bagotá the 26th of January, 1854, and made between his Excellency José Maria Plata, Secretary of State for Finance, by the express authority of the Executive Power of New Granada, and Daniel O'Leary, Her Britannic Majesty's Chargé d'Affaires at Bogotá, it is (amongst other things), agreed as follows :—

By the 2nd Article the Government of New Granada admits as a debt of *that* Republic 50 per cent. of the capital and arrears of interest, at the rate of 6 per cent. per

annnm of the sum to which the value should amount of four bills of Exchange numbered 587, 588, and 650, and 652, drawn at different dates by the Secretary of State for Finance, of Columbia, on the Government Agent of that Republic in London.

By Article 3, the debt of which the preceding Article treats, being of a floating nature, the Government of New Granada promises to issue for the sum to which the portion of it admitted in the preceding Article shall amount, bonds of the floating debt admissable in payment of 8 per cent. of the import duties, &c.

By Article 4 and 5, interest on the capital admitted in Article 2 is to be calculated from *the dates when said bills were* drawn, but the interest became due up to the 1st of March, 1854, was to be included in said bonds as capital which does not bear interest, and the value of the £ sterling was to be computed at the rate of 5 hard dollars (pesos fuertes) for each £ sterling.

By Article 6 of the foregoing Convention, *the rights of the holders of the bills mentioned in Article 2, are reserved against the Republics of Venezuela and Ecuador* in the following terms:—"On the delivery of the bonds of the floating debt, which is the subject of this Convention, the documents shall be cancelled to the extent of half their value as well of principal as of interest, and they shall be *returned to the British Legation for such purposes as may be necessary with regard to the portion which belongs to the Republic of Venezuela and Ecuador which is not cancelled; but that of New Granada is entirely (cancelled).*

That the said Convention was approved of by a Decree of the Senate and Chamber of Representatives of New Granada assembled in Congress on the 28th of March, 1854.

That on the 9th of January, 1855, bonds for 50 per cent. of the capital of the said bills Nos. 537, 588, and interest thereon, were issued by the New Granadian Government, and said bills were cancelled to that extent, and the following Memorandum was written on the face of each of them, and signed by the Officers of State:—"Cancelled for so much as relates to New Granada, 50 per cent. of the capital and of the interest having been satisfied. Article VI of the Convention approved by the Legislative Decree of 28th March, 1854."

"*Bogota, January* 9, 1855,

"(Signed by the Sub-Director of National Credit and by the Secretary of Finance.)"

That Mr. Alexander Campbell, your Memorialist's late husband, died some years since, leaving your Memorialist, who is now of very advanced age and greatly afflicted, in possession of a small annuity only.

That (as already mentioned) the said A. Campbell in his lifetime (and your Memorialist since his decease) used every means to obtain payment of these two bills, and in particular gave notice of his debt to the Representatives of the three States immediately on their arrival in London *in the year* 1839, and required payment thereof, as also before mentioned, but, in consequence of the delay on the part of the New Granadian Government in acknowledging the said debt, and the unavoidable detention of the original bills at Bogota to substantiate the same, your Memorialist has been unable until now to prefer her claim against the States of Venezuela and Ecuador for the balance of principal and interest due from them in respect to said bills.

That the particulars of the original debt, and of the balance now due, are set forth at foot.

That your Memorialist has not any agents or connections in Venezuela or Equador, and is altogether without redress except through the intervention of Her Majesty's Government; and your Memorialist, therefore, humbly prays that your Lordship will instruct the Representatives of Her Majesty's Government in those States to claim from them payment of the balance of the principal moneys and interest remaining due on these two bills, amounting two 5,995*l.* sterling, in the proportions in which the same are payable under the Convention of December 23, 1854, viz.:—

Venezuela, 28½ per cent. or £ sterling, &c.

Ecuador, 21½ per cent. or £ sterling, and your Memorialist, &c.

(Signed) SARAH CAMPBELL,
By her Agent, Chas. Chatfield, 16, Austin Friars, London.

London, March 23, 1855.

	£	s.	d.
Bill dated June 3, 1825, No. 587	1,200	0	0
Bill, same date, No. 588	1,000	0	0
	2,200	0	0
Interest at 6 per cent. per annum from June 3, 1825, to March 1, 1854, being twenty-eight years and nine months (as per Convention of January 26, 1854)	3,795	0	0
Total	5,995	9	0
1855. Paid by New Granada	2,997	10	0
Remains the balance due from the States of Venezuela and Ecuador, as by Convention of December 23, 1854	2,997	10	0
To be paid by Venezuela—			
28½ per cent. on 5,995*l.*, is	1,708	11	6
To be paid by Ecuador—			
21½ per cent. on 5,995*l.*, is	1,288	18	6
	2,997	10	0

Appendix.

Por 1,200 libras esterlinas. No. 587.

Bogota, 3 *Junio de* 1821.

A noventa dias de vista se servirá U.S. por esta mi segunda de cambio (la Primera y Tercera de este mismo tenor y fecha no pagada) tener á la órden del Señor Simon Burgos, la cantidad de mil doscientas libras esterlinas por valor recibido.

(Signed) J. M. DE CASTILLO.

Al Soñor Manuel Jozé Hurtado,
Agente de la Republica en Londres.

Bogota, Junio 9 *de* 1825.

Páguese á la órden del Señor Miguel Calvo del Comercio de Haiti, a quien corresponde la suma de esta letra.

(Signed) SIMON BURGOS.

Páguese á la órden del Señor Alexander Campbell de Londres.
Curaçao fha 17 *de Novrembre,* 1825.

(Signed) MIGUEL CALVO.

[Cancelado por lo relativo á la Nueva Granada pues esta ha satisfecho el cincuenta por ciento del capital i de los intereses (Article 6 del convenio aprobado por el Decreto Legislativo de 28 de Marzo de 1854.]
Bogotá, 9 *de Enero de* 1855.

El Secretario de Hacienda,
(Signed) JOSE MARIA PLATA.
El Sub-Director del Credito Nacional,
FLAVIO PINZON.]

(Translation.)

For 1,200*l.* sterling. No. 587.

Bogota, June 3, 1821.

At 90 days' sight, please to pay this, my second of exchange (first and third of the same tenor and date not paid), to the order of Señor Simon Burgos 1,200*l.* sterling, value received.

(Signed) J. M. DE CASTILLO.

To Señor Manuel José Hurtado,
Agent of the Republic in London.

Protested for non-acceptance, 5th April, 1826.
Protested for non-payment, 7th July, 1826.

Por 1,000*l.* esterlinas. No. 588.

Bogota, 3 *de Junio de* 1825.

A noventa dias de vista se servirá U.S. por esta mi segunda de cambio (la Primera y Tercera de este mismo tener y fecha no pagada), tenor á la órden del Señor Simon Burgos, la cantidad de mil libras esterlinas por valor vecibido.

(Signed) J. M. DE CASTILLO.

Al Señor Manuel José Hurtado,
Agente de la Republica en Londres.

Bogota, Junio 9 *de* 1825.

Páguese á la órden del Señor Miguel Calvo del Comercio de Haiti á quien corresponde la suma de esta letr

(Signed) SIMON BURGOS.

Páguese á la órden del Señor Alexander Campbell de Londres.
Curaçao, fha 7 *Noviembre,* 1825.

(Signed) MIGUEL CALVO.

[Cancelado por lo relativo á la Nueva Granada pues esta ha satisfechoel cincuenta por ciento del capital i de los intereses (Article 6 del convenio aprobado por el Decreto Legislativo de 28 de Marzo de 1854.
Bogota, 9 *de Enero de* 1855.

El Secretario de Hacienda,
(Signed) JOSE MARIA PLATA.
El Sub-Director del Credito Nacional,
FLAVIO PINZON.]

(Translation.)

For 1,000*l.* sterling. No. 588.

Bogota, June 3, 1825.

At 90 days' sight please to pay this my 2nd of exchange (1st and 3rd of the same tenor and date not paid) to the order of Señor Simon Burgos 1,000*l.* sterling, value received.

(Signed) J. M. DE CASTILLO.

To Señor Manuel José Hortado,
Agent of the Republic in London.

Protested for non-acceptance 5th April, 1826.
Protested for non-payment 7th July, 1826.

Indorsed:

Bogota, June 9, 1825.

Pay to the order of Señor Miguel Calva, merchant of Haiti, to whom belongs the amount of this bill.

(Signed) SIMON BURGOS.

Pay to the order of Señor Alexander Campbell of London.
Curaçao, dated 17*th November* 1825.

(Signed) MIGUEL CALVO.

(Translation.)

Republic of Colombia, Palace of Government,
Bogota, June 3, 1825.

Secretary of State's Department for Finance.

To the Illustrious Señor Manuel José Hurtado, Agent of the Republic in London.

On this date and by a separate despatch I advise your Excellency as follows:—

(Duplicate.)

I have the honour to communicate to your Excellency that on this date I have drawn by order of Government, in character of Agent of the Republic, four bills of exchange, in triplicate, under the Nos. 586 to 589, the 1st for 1,300*l.*, the 2nd for 1,200*l.*, the 3rd for 1,000*l.*, and the 4th for 659*l.* 4*s.* 4½*d.*, which your Excellency will please to

pay out of the proceeds of the loan to the order of Señor Simon Burgos, at 90 days' sight, which they have (to run). I repeat this to your Excellency, because the party interested has required that this advice should accompany each of the bills he has contracted for, but I mention for your Excellency that it will only go with the 2nd, No. 587.

(Signed) J. M. DE CASTILLO.

Mr. William Ackers Cage.

Judgment of Mr. Joel, British Commissioner.

This claim is for 28½ per cent. of a sum of 16,000 dollars, the total amount of eight bonds ("vales") of the late Republic of Colombia.

On the 23rd December, 1834, a Convention was concluded between the Republic of Venezuela and the Republic of New Granada, (to which the Republic of Ecuador afterwards acceded), for the division of the active and passive credits of Colombia, by which New Granada took on herself 50 per cent., Venezuela took on herself 28½ per cent., and Ecuador took the remaining 21½ per cent.

The debt, the subject of the present claim, is therefore admitted, and the part due by Venezuela, namely, 28½ per cent., of the sum of 16,000 dollars, which amounts to 4,560 dollars, is now claimed, with interest, at the rate of 5 per cent. per annum, as stated on the face of the bond.

It is wholly unnecessary to occupy the time of the Umpire with remarks on a claim which has been recognized and acknowledged by a Convention entered into between Venezuela and New Granada, and admitted by Venezuela so recently as last year. On the 17th June, 1868, the Mixed Commission for the adjudication of the American claims against Venezuela allowed a claim of exactly a similar nature, with interest, as now claimed.

With this precedent for the guidance of the Umpire, I have only to state that in this case, as in every other founded upon what may be termed negociable securities, I have endeavoured to ascertain that the claim was legitimate, and that the securities had not been purchased as a speculation, with the view of their ultimate recovery from the Venezuelan Government through the diplomatic intervention, and that I am of opinion that this claim should be allowed for the sum of 4,560 dollars, with interest at the rate of 5 per cent. per annum from the 14th January, 1828.

The Venezuelan Commissioner having, in his remarks on this claim, quoted from a note of the Minister of Foreign Relations of Venezuela, dated the 19th of December last, addressed to the late Mr. Fagan, Her Britannic Majesty's Chargé d'Affaires, which note was not before the Commission when this claim was considered, I have therefore, for the Umpire's information, annexed a copy of Mr. Fagan's reply.

The Venezuelan Commissioner's argument, that because this claim was not presented to the Plenipotentiaries who met in Bogotá in 1837 it is invalid, is of no weight unless we admit the principle of repudiation.

No Government has a right to attempt to get rid of its liabilities by superadding to the original contract (by virtue of which it obtained the money of foreigners) an impossible or an impracticable condition, if, indeed, it be entitled, subsequent to the completion of the contract, to make the fulfilment of its contract depend upon any condition which is onerous to the creditor.

Annex.

(Copy.)
(No. 6.) *Caracas, January* 16, 1869.

THE Undersigned, Her Britannic Majesty's Chargé d'Affaires, has the honour to acknowledge the receipt of the note of his Excellency Señor Villégas, Minister of Foreign Relations of the United States of Venezuela, accompanying certain documents relating to British claims which had originally been transmitted to the Venezuelan Government by this Legation, and which the Undersigned had applied for with the object of submitting them to the Commission now sitting for the adjudication of such claims.

His Excellency, however, in a previous note, informed the Undersigned that other documents of a similar nature which the Undersigned had required for the same purpose could not be handed over to him in consequence of a decision of the Minister of Public Credit, who has ruled that claims which had been presented to the Venezuelan Government by the parties interested without the intervention of the British Legation, could

not be submitted to the Commission or be the subject of Diplomatic action, and that the mere fact of the claimants withdrawing the documents from the Department of the Government where they had been deposited must necessarily imply that they make thereby a formal renunciation of their claims.

The Undersigned thinks it his duty to declare to his Excellency that he cannot accept this decision of the Minister of Public Credit, which he considers unjust and contrary to the principles of equity which must obviously guide both the Venezuelan and British Governments in the settlement of the claims. Had any provision been made for the purpose of examining and adjusting those submitted to the Minister of Public Credit, the objection of the Venezuelan Government might, to a certain extent, have appeared more significant; but when, after a lapse of some years, no prospect appears to exist of their early settlement, the Undersigned is at a loss to understand why the Commission, whose duty it is to adjudicate upon all pending claims, is to take no cognizance of them, simply because the parties interested endeavoured, in the first instance, to have them settled by a direct appeal to the Venezuelan Government. This circumstance, instead of being detrimental to their rights, gives them a stronger claim to the support of Her Majesty's Government.

It is to be observed, moreover, that the Commission will not admit unfounded claims; if, on examination, however, they prove to be valid, it would make no difference to the Venezuelan Government, whose intentions the Undersigned must suppose to be equitable and just, whether their settlement is effected by a decision of the Commission, or by a resolution emanating from the Government of the Republic.

The Undersigned trusts that these observations will be favourably considered by the Venezuelan Government, and that he will receive such a reply as may enable him to inform his Government, to whom he has reported the case, that the decision of the Minister of Public Credit will not be acted upon, and that the documents in question will be forwarded to this Legation.

It is with regret that the Undersigned has observed, by the correspondence which has passed between the two Commissioners, that every possible obstacle has been raised by the Government of Venezuela, by whose instructions their Commissioner must be guided, to obstruct the speedy and equitable adjustment of the British claims, and that they do not appear to entertain a just appreciation of the forbearance and moderation shown by the British Government in abstaining to urge the payment of other settled claims during the time this Republic has been afflicted with internal dissensions, and whilst other foreign creditors of the State have been partially, if not regularly, paid.

The Undersigned, &c. (Signed) GEORGE FAGAN.

His Excellency Señor Villegas,
&c. &c. &c.

Mr. Ackers Cage and Mrs. Sarah Campbell.

Judgment of Mr. Stürup, Umpire.

(Translation.) *Caracas, October* 1, 1869.

I HAVE received the documents relating to the claims of Mr. William Ackers Cage and of Mrs. Sarah Campbell, which you transmitted to me for my decision, and I proceed to acquaint you with my opinion.

The fact that the interested parties had applied to the Venezuelan Authorities to obtain the payment of their claims does not deprive them of their natural right to claim the value of their claims through the Representative of their nation, from the moment that the said authorities had come to no resolution on the subject; and a debt is not cancelled by merely the will of the debtor.

Both of these claims, in my opinion, must be paid by the Republic; but as they form part of the foreign debt of the country, it would not be just that they should be paid in full. The Congress of Venezuela itself acknowledged this obligation by the law of the 8th of May of 1847, authorizing the Executive Power to change some bonds of the Colombian Government for others of the foreign debt of Venezuela, in so far as concerning to the 28½ unities, the proportion due by Venezuela, and to allow interest thereon up to the 1st of October of 1840.

The eight bonds, of the value of 2,000 dollars each, presented by Mr. William Ackers Cage, and which bear on their face a note to the effect that they shall be admitted in discount of the eighth part of the duties levied at the Custom-house of La Guaira, and

which gained interest from the 1st of July of 1826, would consequently, in 1847, amount to a capital of .. .. 16,000 dollars,
and interest in 21 years at 5 per cent. .. .. .. 16,800 „

Total .. .. 32,800 „

which sum reduced to the 28½ unities would give 9,348 dollars in debt, and as the foreign debt of Venezuela was then worth 25 per cent. more or less in the London market, I award ("juzgo") that Mr. William Ackers Cage must be allowed in payment of his above-mentioned bonds the sum of .. .. 2,337.00 dollars,
to which add interest up to date, at the rate of 3 per cent. per annum
in 22 years ... . 1,542.42 „

Total .. .. 3,879.42 „

from which results in his favour the amount of 3,879 dollars and 42 cents.

Mrs. Sarah Campbell is in the same case: her claim, for the 28½ unities and interest, amounts to 1708*l.* 11*s.* 6*d.*, which at 6½ dollars to the pound are equivalent to 11,105 dollars 75 cents, and and reduced to 25 per cent. gives in result 2,776 dollars 44 cents, which must be allowed to her, with the addition of interest at the rate of 3 per cent. per annum, from December of 1854 to date, thus giving a capital of .. 2,776.44 dollars,
and interest in 14¾ years, at 3 per cent. per annum .. .. 1,228.57 „

making the total amount of .. .. 4,005.01 „
4,005 dollars and 1 cent.

Both claims shall gain interest from this day onwards; the same as may be agreed upon shall be paid on the amount of the other British claims.

Such is my decision and award, according to my knowledge and understanding.

(Signed) GUILLO. STURUP, *Umpire by Lot.*

Mr. L. Agostini, Mr. W. A. Andral, Mr. H. O'Callaghan, Mr. M. A. Elizondo, Mr. Robert Syers, Mr. Bernard Daly, Messrs. Halle and Co., and Mr. J. A. S. Cipriani.

Judgment of Dr. Mendez, Venezuelan Commissioner.

These parties claim:—

	Dols.	c.
Mr. L. Agostini:—		
In notes of August 1860	465	0
In bonds of the loan of August 1863	1,000	0
Mr. W. A. Andral:—		
In notes of August 1860	1,700	0
In bonds of February 1863, and titles of the 45 and 25 per cent. of the 75 and 40 per cent...	3,000	0
Mr. H. O'Callaghan:—		
In notes of August 1860	11,105	0
Mr. M. A. Elizondo:—		
In titles of the 45 and 25 per cent. of the 75 and 40 per cent. ..	2,773	50
In notes of January 1861	46	0
In notes of August 1860	54	0
In notes of the Bank of Venezuela	900	0
Mr. Robert Syers:—		
In notes of February 1862	34	0
In notes of January 1861	218	0
In notes of August 1860	4,368	0
Mr. Bernard Daly:—		
In notes of the Bank of Venezuela	1,000	0
Messrs. Halle and Co.:—		
In ordinary shares of the Bank of Venezuela	44,500	0
In titles of the 45 and 25 per cent. of the 75 and 40	659	25
In bonds of February 1862	146	50
Mr. J. A. S. Cipriani:—		
In a receipt given in favour of Doctor P. Cebellos, for 28 ordinary shares of the Bank of Venezuela	7,000	0

Shares and Notes of the Bank of Venezuela.—The Bank of Venezuela was an anonymous Company according to a contract signed on the 22nd of August, 1861. It

was agreed that its capital should be the sum of 4,000,000 of dollars, to be increased, if required, to the sum of 10,000,000 of dollars, in shares of 250 dollars in cash, or in the following scrip: Public debt, bearing interest, or redeemable, and bonds of different issues made by the Government. Both denominations were to be received by the Company at prices which should yield the Company the interest of 12 per cent. per annum. The subscribers in cash or in bonds in circulation were to receive shares with the designation of "Preferable shares," the nominal capital to be integrally repaid before the other shares, in case the Bank should have to be liquidated, because the interest of 12 per cent. per annum was insured them. The subscribers with public debt were to receive shares with the designation of "Ordinary shares;" and the objects of the Company were to supply funds to the National Treasury, to issue notes payable on demand or at stated periods, exchange deposit and discount. This contract was confirmed by the authorization issued by the Government on the 17th of October, 1861. On the 21st of the said October, a contract was signed by the Bank and the Government to the purpose that the former should lend to the latter 4,240,000 dollars in account current; and certain combinations were stipulated therein in virtue whereof the payment of the interest of the public debt, and its amortization, were to be effected on the basis of the price at which it had been received by the Bank. The payment was to be made by the Government in forty semi-annual deliveries of 280,000 dollars each; and therefore 38 per cent. of all the import duties were placed at the disposal of the Bank. The result was that the Bank found itself compelled to bring its affairs to a close on the arrival of the first date for the payment of the first issue of notes, it not being able to take them up, the Government not having been able to fulfil its part of the agreement.

Bonds of February, and Scrip of 45 *and* 25 *per cent., of the* 75 *and* 40 *per cent.*—The Government issued two Decrees, dated November 15, 1862. It was proposed in the one to pay the notes, and the Preferable shares at the rate of 75 per cent.; 20 per cent. to be paid before the 7th of the following December; 10 per cent. to be paid in bonds due in February, 1863, and the remaining 45 per cent. to be paid in orders against 15 per cent. of all the import duties of all the Custom-houses, with the exception of those of La Guayra and Puerto Cabello. And it was proposed in the other to pay the Ordinary shares at the rate of 40 per cent., delivering 70 per cent. in the said December, and giving bonds for 5 per cent. payable in the said February, the remaining 25 per cent. to be paid in orders against 10 per cent. of the same duties of the same Custom-houses. The Government took up, in consequence thereof, by means of the Bank of Carácas, 4,905,295 dollars 13 cents.

Bonds of August, 1860.—By order of the Finance Department, dated 23rd and 30th of August, 1860, in virtue of the Executive Decree of the 2nd of the same month, an emission of bonds was made to the amount of 1,000,000 of dollars, payable with the export duties, from the 1st of the following September, without prejudice to the especial charges by which that rent was still affected.

Bonds of January 1861.—A Decree of this date ordered the emission of 600,000 dollars, payable with 50 per cent. of all the Import duties of the Custom-houses of La Guayra and Puerto Cabello, whenever the loan of October 20, 1869, should have been paid off.

Bonds of February 1862.—These have their origin in an emission of 100,000 dollars, in virtue of a resolution of this date, payable at the Bank of Venezuela, with 50 per cent. of the Import duties of the Custom-house of La Guayra, whenever the loan of October 20, 1859, should have been paid off.

Bonds of the Loan of August 1863.—By a Decree of this date the Government raised a loan of 200,000 dollars in subscriptions of 500 dollars, one-half in cash and one-half in Government debt, with interest at the rate of 1 per cent. per month, and a commission of 2 per cent. This was to be paid with 10 per cent. of the Import duties of the Custom-house of La Guayra.

Such are the origins of the credits which are here claimed. In respect to the shares and notes of the Bank of Venezuela, the claims are totally unfounded. What does the Government owe to the holders of shares and notes? Nothing.

The public debt which formed the capital of the Bank lost for this very reason its character of a credit, in the hands of the holder, against the Government, and became a credit of the Bank against itself; and as such was a subject of transactions between the Bank and the Government. The shares of the Bank acquired by this debt were title-deeds of social capital. The notes payable on a fixed day were obligations of the Bank in favour of the bearer. In the balance of 4,820,125 dollars of the liquidation, up to the 30th of June, 1866, of the account current between the Bank and the Government, there appears the sum of 3,172,9 dollars and 19 cents, the amount of the public debt sold to

the Government in accordance with the 7th Article of the contract, converted into Preferable and Ordinary shares, and reduced to bank value; and, in consequence, the said balance was acknowledged by the Government in the resolution of the Department of Public Credit, dated November 23, 1865, and all the circulating bonds deposited with the Bank were destroyed. How, then, can the shareholders of the Bank, their shares originating in public debt, pretend to any right that the Government should pay to them what it owes to the liquidation of the Bank? And how can the creditors of the Bank pretend to any right that the Government should pay them what the Bank personally owes to them? How can these persons, partners and creditors, abandon their respective positions in regard to the Bank, in order to present themselves in the character of creditors, direct and actual, of the nation. This allows of no explanation.

In respect to the bonds of February, and scrip of the 45 and 25 per cent., of the 75 and 40 per cent., and in respect to the various emissions of notes, and of the bonds of the Loan of 1863, already considered, such claims should not have been presented to the Commission. Did not all these pretensions originate in stock operations, into which the holders entered for mere speculation? Did the Government compel the shareholders, and the holders of the notes of the Bank, to sell to them their rights? Did the Government make obligatory the reception of the bonds of the emissions of 1860, 1861, and 1862? Was the loan of 1863 a forced loan? With the best good faith the Government made the emission of the bonds. The considerable revenue arising from the Export duties were slightly burdened in August 1860: there was little to be paid off of the loan of October 1859 when the two best Custom-houses of the Republic were compromised in the sum of only 600,000 dollars, payable with 50 per cent. of their returns; and a very small amount was issued in 1862 against 50 per cent. of the importations of La Guayra, the balance of the loan of 1859 being first to be paid. But the situation of the Government was gradually becoming worse, owing to the great Revolution which ithad to oppose throughout the whole country, a situation much aggravated by the fact, that owing to its desire of taking up those bonds they were received in the Custom-houses in payment of a large proportion of the duties. In fact, the refusal of the import houses to receive them in payment was sufficient to lower their value in the market, and this with the object of buying them up at a low price and then paying them into the Custon-houses at par. And it is well known that the said depreciation, and the consequent diminution of metallic currency, caused those papers to be presented in the market, where they became a matter of speculation, and were then delivered into the Custom-houses at par, a tide and ebb being thereby formed between the Custom-houses and the markets, and between the market and the Custom-houses, by which the import houses gained all that the nation lost. And is it not notorious that the basis of the loan of 1863, being the admission of 50 per cent. in Government debt, which was of very little value, speculation afforded a broad field in favour of those who made advances to the Government?

Taking these facts into consideration it is not a presumption to say that these claimants are already reimbursed of all the amounts they claim, and that they have even realized a large profit at the expense of the nation. I do not refer to these subjects except to justify the opposition that I formally make against this class of credits, which are in reality national debt, subject to the legislative decrees in respect to public debt, being confounded with those which have their origin in expropriations, which do, indeed, afford justifiable ground for them to be considered by the Commission.

It is not right, and it is repugnant to reason and to justice, that those who voluntarily, and for mere speculation, adventure money in affairs of public credit, especially in such times as that of the conflagration of Venezuela, between 1859 and 1864, and those who traffic in the public debt, should receive the amount of their claims when fortune no longer favours them, with equal security and preference as those devoted to the labours of the field or of the workshop, are suddenly deprived of their means of working, and, perchance, reduced to penury.

No! the nation which has to provide for all its obligations and responsibilities must grant priority of payment to those whose rights are best attested. It is, besides, her attribute to determine the manner of payment, provided always that good faith and equity accompany her acts. Whenever the theory that inscriptions of public credit, from the fact of their being in hands of foreigners, derive such strength of action that the nation cannot object, what is conceded to every honest man fallen into misfortune, the "right of retaining the necessary means for its existence," the national sovereignty will be submitted (garrote vil del agio) to the vile operations of sordid speculators, and the most energetic popular moral reaction will not be sufficient to counteract it, nor even the most elevated endeavours of the love of our country.

The wise and just Government of Great Britain has always declined to lend its

support to claims arising out of loans voluntarily made by her subjects; and I cannot but believe that if these persons, in regard to whose pretensions as holders of Venezuelan paper currency, we are now occupied, had presented themselves to the British Government, requesting its support, they never would have obtained it. It is not long since that we had an example of the manner in which the Government of England considers these claims. The Legation of Her Britannic Majesty caused an advertisement to be published in London, to the effect that in this city a Commission had been constituted for the consideration of the claims of British subject on the Government of Venezuela, and some holders of bonds for loans made by this Government pretended to the right of bringing forward their claims through the Commission; and the Honourable Lord Stanley, Her Britannic Majesty's Secretary of State for Foreign Affairs, directed that they should be informed (November 7, of this last year) that the said Commission was concerned only with international claims, and had nothing whatever to do with claims of the British bondholders of Venezuelan debt.

I hope that the Umpire, whom I have the honour to address, in consonance with the spirit of justice and rectitude displayed by England in these cases, and bearing in mind that Venezuela is making every effort to comply equitably with her creditors, will not permit that holders of scrip be placed on the same footing as creditors who derive their right through spoliations they have suffered.

Mr. Luciano Agostini, Mr. W. A. Andral, Mr. H. O'Callaghan, Mr. M. A. Elizondo, Mr. Robert Syers, Mr. B. Daly, Mr. J. A. S. Cipriani, and Mr. A. Halle.

Judgment of Mr. Joel, British Commissioner.

These claims being of a similar character, founded upon Bank notes, shares, and Bonds, upon which the Venezuelan Government became either directly or indirectly responsible, are submitted to the Umpire for his decision, and I deem it my duty here to state that, though it is well known that by arrangements made between the Representatives of certain nations and the Venezuelan Government, 50 per cent. has been accepted as a settlement for securities of a similar character to those upon which some of these claims are founded, the Umpire is not to take this as a precedent, because this arrangement was made by mutual consent between the parties, and it may have been that claims of a less peremptory character were admitted, so that although nominally this class of claims was arranged for 50 per cent., this reduction may have been compensated for in the recognition of other claims. The question for the consideration of the Umpire is simply this, Did the Venezuelan Government guarantee or become responsible for the payment of these securities? If the Umpire is satisfied that such guarantee or responsibility was entered into, either directly or indirectly, it is clear that the claimants are entitled to the full amount of their claim.

The following is a statement of the nature and amount of each claim:—

	Dols.	c.
Mr. L. Agostini:—		
In notes of August 1860	460	0
In bonds of the loan of August 1863	1,000	0
Mr. W. A. Andral:—		
In notes of August 1860	1,700	0
In sales of February 1863, and titles for the 45 and 25 unities of the 75 and 40 per cent.	3,000	0
Mr. H. O'Callaghan:—		
In notes of August 1860	11,105	0
Mr. M. A. Elizondo:—		
In titles for the 45 and 25 unities of the 75 and 40 per cent. ..	2,773	50
In notes of January 1861	46	0
In notes of August 1860	54	0
In notes of the Bank of Venezuela	900	0
Mr. Robert Syers:—		
In notes of February 1862	34	0
In notes of January 1861	218	0
In notes of August 1860	4,368	0
Mr. B. Daly:—		
In notes of the Bank of Venezuela	1,000	0
Mr. A. Halle:—		
In ordinary shares of the Bank of Venezuela	44,500	0
In titles for the 45 and 25 unities of the 75 and 40 per cent. ..	659	25
In notes of February 1862	146	50
Mr. J. A. S. Cipriani:—		
In a receipt in favour of Dr. P. Ceballos, for 28 ordinary shares of the Bank of Venezuela	7,000	0

With respect to the notes of 1860, 1861, and 1862, they were issued by the Venezuelan Government as a circulating medium, under certain conditions, for their gradual redemption. The financial operations under which they were issued were based upon Laws and upon Decrees of the Executive. Notwithstanding this, the Government did not fulfil any of the conditions for which they made themselves responsible; thus not only palpably failing to comply with the law, but in the face of existing obligations they again compromised the funds hypothecated for the redemption of these notes in other operations, rendering themselves further responsible by this act of injustice.

With regard to the obligations of the Bank of Venezuela, although they did not constitute in their origin a direct liability of the Government towards the holders of the different titles, the events which subsequently took place made clear the responsibility of the Government. The Charter issued to the Bank and the contract between it and the Government were public documents, in which the national credit was pledged. In virtue of these documents, and under the conditions and guarantees therein offered by the Government, their paper was accepted, under certain conditions, as capital in the Bank, the Government not ceasing on this account to be the responsible debtor, but renewing their responsibility under another compact and other conditions more favourable to themselves. This in no way diminishes the rights of the creditors.

It is acknowledged that the notes issued by the Bank were made use of by the Government also, under the conditions stipulated in the contract, which served as a guide and security to the public.

When the Bank was compelled to suspend, in consequence of the Government having failed to keep their engagements with it, the Government interposed between the Bank and its creditors, because they could neither deny their indebtedness or the conditions under which such indebtedness was contracted, and because they would not fulfil their obligations. The Government, in their various decrees respecting the redemption of the liabilities of the Bank, made evident their responsibility.

It is unnecessary to examine the character of these decrees, because they were no longer binding on the creditors from the moment the Government failed to fulfil them; the creditors in consequence entered anew into the full possession of their rights, even though these decrees may have on any occasion affected them; and against the supposition that these decrees of the Government could be binding on the creditors, there is the existence of their formal protest, and the undeniable fact that the Government failed to comply with them.

Of these decrees there only remains, so far as the creditors are concerned, the part affecting their authors, the Government, and that part is the renewed acknowledgment of their obligations.

The Legislative Decree of the 10th of June, 1861, which served as the basis of the Charter issued to the Bank, expressly enjoins that a credit of at least 4,000,000 of dollars should be opened to the Government, and ordains the acceptance of the notes of the Bank by all the public offices. The Government, in the Charter, reserved to themselves the right to inspect the transactions of the Bank, and it was stipulated that the Government notes of August, 1860, and January, 1861, should be converted into Bank notes; and the acceptance of the notes of the Bank, in payment of duties at all the custom-houses was ratified.

The debt of the Government, upon scrip of the national debt accumulated in the Bank as capital, was received in payment of ordinary shares (Art. 7), is clear. If, therefore, it is a fact—and it is not disputed—that the failure of the Bank to meet its liabilities arose from the non-compliance of the Government with their legal obligations; if the debt of the Government is acknowledged—and it has not been denied—it is difficult to arrive at any other conclusion than that of a direct responsibility on the part of the Venezuelan Government, and of such a denial of justice as is constituted by the patent violation of laws and agreements.

Mr. L. Agostini, Mr. W. A. Andral, Mr. H. O'Callaghan, Mr. M. A. Elizondo, Mr. Robert Syers, Mr. Bernard Daly, Mr. J. A. S. Cipriani, and Mr. A. Halle.

Judgment of Señor Mora, Umpire.

Caracas, October 8, 1869.

Lewis Joel, Esq., British Commissioner in the Mixed Commission of British Claims on Venezuela.

Sir,

ON the afternoon of the 21st ultimo I received your statement and that of the Venezuelan Commissioner relative to the claims of Messrs. Luciano Agostini for the sum of 1465 dollars, W. A. Andral for 4,700 dollars, H. O'Callaghan for 11,105 dollars, M. A. Elizondo for 3,773 dollars 50 cents, Robert Syers for 4,620 dollars, B. Daly for 1,000 dollars, H. Halle for 45,305 dollars 75 cents, and J. A. S. Cipriani for 7,000 dollars, making a total of 78,969 dollars 25 cents, say 79,969 dollars 25 cents.

The above aggregate of claims appears composed as follows:—

	Dols.	c.
Of loan of August 1863	1,000	0
Of notes of August 1860	17,692	0
Of notes of January 1861	264	0
Of notes of February 1862	34	0
Of vales of February 1863, and titles of 45 per cent. and 25 per cent.	6,579	25
Of Bank of Venezuela notes	1,900	0
Of Bank of Venezuela ordinary shares	51,500	0
	78,969	25

The statement of the British Commissioner expresses that the question for the consideration of the Umpire is simply this: Did the Venezuelan Government guarantee or become responsible for the payment of these securities?

Considering the origin and nature of the values constituting the five first sums in the preceding classification, amounting to 25,569 dollars 35 cents, and, furthermore, that from the observations made in the statements of the Commissioners, it is to be inferred that there was no doubt as to the responsibility of the Venezuelan Government with respect to those its own direct issues of obligations and engagements, and that, therefore, the question submitted applies only to the securities constituting the two last sums of the said classification, amounting to 53,400 dollars.

The undersigned Umpire has, as in duty bound, most carefully and to the best of his knowledge and ability weighed the case and the arguments of the Commissioners thereon, and having considered that no doubt existed as to the responsibility of the Venezuelan Government touching its own direct issues of obligations and engagements, he has arrived at the same conclusion as regards the guarantee and responsibility the said Government contracted, assumed, and realized in respect of the liabilities of the late Bank of Venezuela, as above specified; and, in consequence, his award is: That the Government of Venezuela is responsible for the whole of the above-specified securities to the precited value of 78,969 dollars 25 cents. of capital, and for interest thereon, at the rate of 1 per cent. per month up to the 30th June, 1866, and is bound to pay to the claimants aforementioned in respect thereof their respective amounts, with interest as aforesaid; the due payment whereof is to constitute a discharge in full for any other demands or considerations whatsoever arising out of these presents.

I remain, &c.

(Signed) GUILLO. YRIBARREN MORA,
Umpire by Lot.

P.S.—In order to fix clearly the date from which the interest awarded, of 1 per cent. per month, up to the 30th June, 1866, is to be calculated on each one of the sums which make up the amount due to each claimant respectively, the Umpire adds the following recapitulation from the dates furnished him by the Commission with that object:—

Mr. L. Agostini.

	Dols.	c.	
On	465	0	in notes of August 1860, from the 2nd of said month and year.
On	1,000	0	in bond of loan of August 1863, from the 13th of said month and year.
	1,465	0	Total amount of Mr. Agostini's claim.

Mr. W. A. Andral.

	Dols.	c.	
On	1,700	0	in notes of August 1860, from the 2nd of said month and year.
On	3,000	0	in sales of February 1863, and titles of the 45 and 25 per cent., from the 31st December, 1862.
	4,700	0	Total amount of Mr. Andral's claim.

Mr. H. O'Callaghan.

On	11,105	0	in notes of August 1860, from the 2nd of said month and year.
	11,105	0	Total amount of Mr. O'Callaghan's claim.

Mr. M. A. Elizondo.

On	2,773	50	in titles of the 45 and 25 per cent. from the 31st of December, 1862.
On	54	0	in notes of August 1860, from the 2nd of said month and year.
On	46	0	in notes of January 1861, from the 15th of said month and year.
On	900	0	in notes of the Bank of Venezuela from the 1st of Maroh, 1862.
	3,773	50	Total amount of Mr. Elizondo's claim.

Mr. Robert Syers.

On	4,368	0	in notes of August 1860, from the 2nd of said month and year.
On	218	0	in notes of January 1861, from the 15th of said month and year.
On	34	0	in notes of February 1862, from the 24th of said month and year.
	4,620	0	Total amount of Mr. Syer's claim.

Mr. B. Daly.

On	1,000	0	in notes of the Bank of Venezuela, from the 1st of March, 1862.
	1,000	0	Total amount of Mr. Daly's claim.

Mr. A. Halle.

On	44,500	0	in ordinary shares of the Bank of Venezuela, from the 1st of November, 1861.
On	146	50	in vales of February 1863, from the 31st of December, 1862.
On	659	25	in titles of the 45 and 25 per cent., from the 31st of December, 1862.
	45,305	75	Total amount of Mr. Halle's claim.

Mr. J. A. S. Cipriani.

On	7,000	0	in ordinary shares of the Bank of Venezuela, from 1st November, 1861.
	7,000	0	Total amount of Mr. Cipriani's claim.

(Signed) GUILLO. YRIBARREN MORA,
Umpire by Lot.

Mr. Thomas Antiga and Mr. Philip Williams.

Judgment of Dr. Mendez, Venezuelan Commissioner.

(Translation.)

Messrs. Thomas Antiga and Philip Williams institute proofs before the Judge of Boca del Pao (a village in the jurisdiction of the Canton Pao, of the State New Barcelona), in October of 1865, with the aim of proving losses they had suffered owing to the War of the Federation, which terminated in July of 1863; and the depositions are signed by a P. Salazar, under the title he gives himself of "Fiscal of the Fisc."

It is so clear that this "Fiscal of the Fisc" had no powers whatever from the nation, that although I did not know who the person might be that exercised in Barcelona the functions of National Procurator in October of 1865, but being positive that such an employé did exist, created by the Law of the 13th June, 1865, to whom, by that of the 16th June, and by the Resolution of the Executive of the 8th August of the same year, the intervention in proofs of that nature had been attributed, I therefore upheld the

unlawfulness of the character assumed by P. Salazar; and the point, as to whether the Commission ought or not to take into consideration and resolve upon the justice and injustice of the claims, having been submitted to the Umpire (by Lot), Mr. Yribarren Mora, for his decision, I obtained from the Government and placed in hands of the Umpire sufficient proof that the Procureur in the State New Barcelona at the time alluded to was General Ricardo Silva. It was owing to this, no doubt, that the Umpire in his decision made use of the expressive phrase that "out of mere courtesy" the Commission ought to consider the claims. I request the Umpire, Mr. Stürup, to make himself acquainted with the antecedents to which I allude.

If it has been a matter of surprise to me, the opinion of the British Commissioner that the legal disposition respecting the ratifying the depositions in presence of the Procureur of the Nation, named *ad hoc* by the Government, could not nor ought not to be obligatory, because of its retroactive effect, as if in any country where the notions of justice exist, the result of justifications made out without the knowledge of a third party had been held to be legally available against him; the more has it been a matter of surprise to me that Williams and Antiga should be paid, notwithstanding that their justifications were instituted posterior to the Law of the 16th June and the above-mentioned Resolutions of the Executive on Credit, and notwithstanding that they were not made out before the Judge of First Instances of the State, the lawful representative of the nation having been cited, or at least some one of the employés of the Custom House who formerly were, improperly ("abusiavamente"), frequently called to be present at these sorts of justifications. Let us see the basis upon which this opinion is founded.

They are two.

That in October of 1865 the Law on Public Credit of the 16th of June, and the Resolution of the Executive of the 8th of August already alluded to, probably had not been promulgated in the Boca del Pao.

And that the interested parties having asked the Judge to cite the Fiscal, it was not their fault if the rightful one was not cited.

As we see, these reasons have not the slightest consistency; a purely gratuitous supposition constitutes the former; and a truly specious deduction from the above supposition constitutes the second. If the first could be accepted, few crimes would be punished, and few obligations fulfilled by the authority of the law, without more to the effect being necessary than alleging the original supposition at the last moment. And if we are to be guided by suppositions, it would be more rational to suppose that in October 1865 the Law of the 16th of June, and the Decrees and Resolutions of the Executive on Public Credit, issued about the end of August of the same year, were in force in all the Republic. At least it always would be indubitable that the said law had been promulgated everywhere four months after its sanction. And as the 4th Rule of the XXVIIIth Article of that Law says: "Witnesses must give their declarations, or ratify them judicially, in presence of the employé, *named by the National Executive in the capital of the State where the proof is made,* in order that they may be cross-questioned," it is, on the whole, unjustifiable that proofs of that nature should have been instituted at the Boca del Pao, and that it should have been pretended that the Judge of that parish should cite the Procureur of the nation residing in the capital, with which the deduction from the second basis disappears.

But it has been moreover pretended that at all events the Judge ought to have informed the Petitioners of what they might not have known, in order that their proofs should not be null. If the Judge had to be acquainted with the law, so had the parties interested in the proofs; and if they required an adviser in the preparation of their proofs, so that they should be in conformity with the law, it would be more regular that the adviser should be some attorney or person acquainted with legal matters rather than the Judge. To which must be added, that Antiga and Williams, when first instituting their proof, stated, under an absolutely vague form (that they did so), "for ends of importance to their rights;" and as the ends which are of importance to the rights of a Petitioner are so many and different even to that of at once coming forward claiming compensation for losses from the Government, the Judge could not well, from what has been stated, and out of respect for his character and duties, enter into investigations respecting the ends of importance to the rights of those persons, much less when the subject in question was not an affair of contentious jurisdiction, but a justification *ad perpetuam,* which may be instituted before any Judge of the Republic.

With these antecedents, from the fact that at Boca del Pao there was no representative *ad hoc* of the nation, which the Petitioners were well aware of, and under the consequent and very rational supposition that their consent sufficed for the ends they had

in view, we may arrive at the explanation that no, apparently or positively, lawful representative of the nation having been cited, the signature of P. Salazas was accepted, who, to call attention to the character he figured in, called himself "The Fiscal of the Fisc," when perhaps he was at most the collector of taxes of the parish.

What can we observe against the Judge? That he may have acted in bad faith? That he may have acted in ignorance? If he acted in bad faith he was only the accomplice of Williams and Antiga. If he acted in ignorance, he only shared in that of the petitioners, which was the more justifiable in him as he had no interest in the affair, nor was he called upon to conduct it. But from either one or the other hypothesis can we rationally conclude that those proceedings are of weight and validity against the Republic which had not the slightest intervention therein. In no manner. I confess that the regret I experience is more than mortifying, at observing the tenacious persistence in the pretension that Venezuela should pay claims based on supplementary ("supletorias") proofs, instituted without her intervention or not ratified. If she claims against the proofs not having been ratified with the Representative of the Treasury present, she meets with the original objection "retroactive effect:" if she claims against his not having been cited to the instituting of proofs, posterior to the law on public credit, there being no longer a pretext respecting the "retroactive effect" she meets with suppositions in objections. So that in no case can Venezuela be heard in claims made against her, if the claimants are foreigners, and specially if they are Philip Williams and Thomas Antiga. Fortunately the Law of 1869, respecting the claims of foreigners, has supplied a corrective to these sorts of proofs.

I will not enter into making the criterion of the proofs of Williams and Antiga. If I did so, nothing would be easier than to demonstrate that from them you can arrive at no conclusion, and that they moreover, reveal that the depositions are artful ("amañados"), vague, varied, and therefore inefficacious, but I cannot, I ought not to allow, that such proofs possess even an atom of lawfulness, being as they are in all respects null, and of no value or effect whatever against the Republic, With the same right would she be made to pay such claims, as the Umpire, whom I have the honour to address, would be bound to pay debts proved by witnesses at San Fernando de Atabapo, without the slightest knowledge on his part.

Mr. Thomas Antiga and Mr. Philip Williams.

Judgment of Mr. Joel, British Commissioner.

In submitting these claims to the Umpire for his award, I have to state, that the Venezuelan Commissioner has expressed no opinion on their merits, which he has declined to discuss, adhering to an objection he raised at a former stage, that the Fiscal who signed the depositions taken in support of these claims was not the Fiscal proper, and that therefore the Commission could not entertain them. This objection was submitted for the decision of the Umpire, (the name of Mr. Yribarren Mora having been drawn in this case), who decided, "that the Commission can, in reason of equity, courtesy, and other obvious considerations, adjudicate on these claims on their merits." Notwithstanding this decision, the Venezuelan Commissioner has refused to adjudicate upon them, and again raises the same objection which one Umpire has already discarded.

The Umpire will see that in each case the claimant presents his pledgings ("escrituras"), to the District Judge, requesting him to cite certain witnesses, and in due form of law and in the presence of the fiscal take their declarations. The Judge in compliance with their request and in the performance of his duty, cites the witnesses and the Fiscal, who signs each declaration "El Fiscal P. Salazar."

The Venezuelan Commissioner maintains that Señor Salazar was not the Fiscal, but has produced no proof to substantiate this mere assertion. Even if he had, the claimants ought not to suffer from what would have been an act of error, or ignorance, on the part of the Judge. The claimants requested the Judge to cite the Fiscal, they did not mention the name of Señor Salazar, or any other person, their request was simply "to cite the Fiscal in compliance with due form of law," and the Judge having cited Señor Salazar, who signs the declarations as "El Fiscal," I am of opinion that the claimants are clearly entitled to have their claims considered on their merits, and this opinion is confirmed by the decision of the Umpire, Mr. Yribarren Mora, to whom this point was submitted.

The claim of Tomas Antiga, though of a similar character to many adjudicated upon by the Commission, presents features of peculiar hardship. The claimant after years of enduring perseverance, patient toil, and strict economy, succeeded in accumulating

what he considered would be a sufficiency for his old age, and which would undoubtedly have enabled him to have passed his declining years in comparative comfort; but neither his grey hairs, his probity of character, or his strict neutrality in all political affairs of the country, protected him from spoliation; and this old man of more than eighty years, is, in consequence, now reduced to penury.

The claim is for cattle, horses, &c., forcibly seized during the war of the Federation, as proved by the declarations taken to substantiate the claim, and I am of opinion that the Umpire should award the amount claimed, together with a fair rate of interest.

The claim of Philip Williams is very similar in character to that of Thomas Antiga, being for merchandize and cattle forcibly taken from him by military authorities during the war of the Federation; and if the Umpire is satisfied that the declarations prove the alleged spoliation, he will award the amount claimed, together with such a rate of interest as he may think equitable.

Mr. Thomas Antiga and Mr. Philip Williams.

Judgment of M. Stürup, Umpire.

Caracas, October 14, 1869.

Having duly considered the two collections of documents ("expedientes") relative to the claims of Messrs. Tomas Antiga and Philip Williams, for losses incurred during the Revolution which broke out in Venezuela in the year 1858, which you were pleased to submit to me as Umpire, and having likewise duly considered the Report which each of you have made me on the case, I proceed to reply to you in the following manner:—

I cannot by any means agree with the Venezuelan Commissioner that the interested parties are responsible for the person cited by the Judge as Fiscal being the real Fiscal, because it was the duty of the Judge to know who exercised that authority, and not to accept of any other; and a foreigner could not well make opposition to the formation of a tribunal which he finds established by the authorities of the country. The presence of Señor Salazar, as Fiscal, would consequently be, in my opinion, sufficient for all the objects of the said claims, since the Judge, at the request of the claimants, who did not designate any person, cited him as the Fiscal, though he were not so in reality; and, if an error was committed in this respect, the Judge alone was the responsible party.

But, independent of this, I find that neither of these two claims affords sufficient ground for indemnification, and that there is rather reason to suspect that the documents are founded on deceit, or that they have been made out by means of an unlawful combination of the claimants, the Judge, and the other persons who therein appear; for both of them are entirely in the same handwriting, and in one single day the petition of the claimants was heard, the Fiscal and the witnesses were cited, the latter made their appearance, their declarations were taken, and both affairs were terminated, which was very difficult, not to say impossible, to have been done in one day; and the claimants had even time, on that day, to address Mr. Mathison, the Vice-Consul of their nation, at Ciudad Bolivar.

When to this consideration is added that the claims are for losses incurred in the years of 1858 to 1863, without their exact dates being stated, that the claims were only commenced in 1865, two years later, that the Judge and his Secretary vary their signatures, the former signing his name on the same day sometimes *Cecilio Padron*, and sometimes merely *C. Padron*, and the latter at one time *Pedro B. Torres*, and at another *Bórges Torres;* and, above all, that the signatures of these authorities are not, as by law required, certified by any superior authority,—there results, in conclusion, that no faith can be placed in the said documents ("expedientes.")

It certainly would not be just that the nation should be responsible for acts which are sought to be proved in such a manner with the intervention of the lowest Judge of a small village, with the declaration of witnesses vaguely given and not ratified, and all the proceedings bearing the marks of fraud, as already stated; wherefore it is my opinion that the said claims must be disallowed.

(Signed) GUILLO. STURUP.

Mrs. Laura Stopford, Mr. W. R. Smily, and Miss Mc Gregor.

Joint Note from the Commissioners to the Venezuelan Government, recommending the Payment of these Claims, and Reply of the Venezuelan Government.

(Translation.) *Office, of the Commission,*
Sir, *Caracas, September* 20, 1869.

Three petitions have been presented to the Commission, which the Undersigned form, addressed, under different dates, by Mr. Alfred Alderson to Her Britannic Majesty's Chargé d'Affairs, in representation of Mrs. Laura Stopford, Mr. William Robert Smily, and of Miss MacGregor, requesting that these claims be submitted to the Commission; the first named as widow of Colonel Edward Stopford for a liquidation of 9,044 dollars 44 cents, made up to August, 1862, when the Colonel died (copy A), corresponding to the third part of pay to which he was entitled; the second named as testamentary executor and legatee of the late General D'Evereux, for a liquidation of 8,543 dollars 34 cents up to 1863 (copy B), corresponding to the pension of 1,200 dollars a year which was decreed him by Congress at Venezuela on the 2nd of May, 1843; and the third party as the sole child of General Gregor MacGregor, for a liquidation of 4,728 dollars up to June, 1868, corresponding to her pension of 35 dollars per month up to June, 1864, and of 46 dollars per month to which it was augmented from that date, to the said June, 1868 (copy C).

Although the credits herein referred to cannot have the advantage of the official protection of Her Britannic Majesty's Chargé d'Affaires, nor can they be taken under consideration by the present Commission, yet the Undersigned have not hesitated in addressing, through the Minister of Foreign Relations, to the Government of the Republic the present collective note, submitting to their consideration, with all respect, and with especial interest, the said claims, in order that justice may be done to the interested parties.

In taking this course the undersigned Commissioners have taken into consideration the distinguished services of those meritorious officers, so much much more to be esteemed and appreciated that they crossed the Atlantic, abandoning their native soil, to lend their contingency of blood to the cause of the independency and liberty of the Republic.

With sentiments, &c.

(Signed) JUAN DE D. MENDES. *Venezuelan Commissioner.*
LEWIS JOEL, *British Commissioner.*

To his Excellency Señor Riera Aguinagalde,
Minister of Foreign Affairs of Venezuela.

(Translation,) *Department of Foreign Relations, 1st Section,*
(No. 1160.) *Caracas, September* 30, 1869, *6th year of the Law,*
Gentlemen, *and 11th of the Federation.*

THE Government are informed of your communication of the 20th of this month, in which you recommend to their favourable attention the three petitions presented by Mr. Alfred Alderson, under different dates, to Her Britannic Majesty's Chargé d'Affaires in Venezuela, in regard to certain credits of William Robert Smily, Laura Stopford, and Miss MacGregor, and which the said Alderson begged might be considered upon by the Mixed Commission, but which request was not acceded to.

The Government, desirous of doing in favour of the interested parties all that the law will allow, has ordered, as has been done, that copies of the said communication be passed to the Department of Public Credit, as also of the documents there included, that the latter may be duly decided upon.

Union and liberty!

(Signed) Y RIERA AGUINAGALDE.

Messrs. Juan de D. Mendez and
Lewis Joel, Acting British Consul-General.

Dr. H. Segur.

Joint Note from the Commissioners to the Venezuelan Government to interpose their authority with the Employés at Campano, and Reply of the Venezuelan Government.

(Translation.) *Office of the Mixed Commission,*
Sir, *Caracas, September* 25, 1869.

THE undersigned, Commissioners on the part of the Governments of Great Britain and Venezuela for the adjustment of pending claims of British subjects, have the honour to make known to M. the Minister of Foreign Relations of Venezuela, that owing to an arrangement entered into with respect to a claim made by Dr. Segur, Director of the Mines in Carúpano, on account of the undue detention a vessel of the enterprize was made to undergo by the functionaries of the Custom-house of the abovementioned port, and also having in consideration the repeated complaints addressed to the Legation by the said Dr. Segur against the authorities of the said place, it was agreed that the present collective note should be addressed to the Government of Venezuela, requesting them to be pleased to interpose their authority, in order that the authorities of Carúpano may so act as to prevent such complaints in the future from Dr. Segur.

The Undersigned, &c. (Signed) J. DE D. MENDEZ.
LEWIS JOEL.

(Translation.) *Department of Foreign Relations, 1st Section,*
(No. 1159.) *Caracas, September* 30, 1869, *6th year of the Law,*
Gentlemen, *and 11th of the Federation.*

IN view of the communication you addressed to this Department on the 25th instant, requesting the Government to interpose their authority, in order that the public functionaries of Carúpano may so act in future as to avoid the complaints of Dr. Segur you mention, the Government have resolved that, through the Department for the Interior and Justice, the necessary orders be given, to which effect copy of your above-mentioned communication has been transmitted to that Department.

Union and liberty!

(Signed) Y. RIERA AGUINAGALDE.

Messrs. Juan de D. Mendes, and
Lewis Joel.

Schloss and Co. and Michelsen.

Protest of Mr. Joel, British Commissioner.

WHEREAS, by the first clause of the Convention entered into between Great Britain and Venezuela, September 21st, 1868, it was agreed that all pending British claims against the Government of Venezuela should be submitted to a Mixed Commission for adjudication, the Commissioners to form such Commission being therein named;

And whereas, a claim of Messrs. Schloss and Co. and Michelsen for 28½ per cent., the proportion due by Venezuela, on eleven bonds of the old Republic of Colombia, amounting to 13,000*l.* sterling, and interest thereon, and for a like per-centage upon two bills of exchange for 2,000*l.* sterling each, and interest thereon, was presented to the Mixed Commission on the 7th October, 1868, for adjudication;

And whereas, the Commissioner on the part of Venezuela has repeatedly, both verbally and in writing, refused to consider this claim with a view to its adjudication;

Wherefore I, the undersigned, Commissioner on the part of Great Britain, do hereby solemnly protest against the acts of the Venezuelan Commissioner in regard to this matter, claiming and demanding for the claimants all the rights and privileges they would have enjoyed had their claim been adjudicated upon by the Mixed Commission, and the payment of all damages and prejudices they have suffered, or may hereafter suffer, in consequence of their claim not having been adjudicated upon by the said Mixed Commission.

In testimony whereof I have hereunto subscribed my name in Carácas, this thirtieth day of September, A.D. one thousand eight hundred and sixty-nine.

(Signed) LEWIS JOEL,
Commissioner on the part of Great Britain.

Recapitulation.

Awards of Moneys made under the Convention entered into between Great Britain and Venezuela, September 21st, 1868, for the settlement of British claims.

Name of Claimant.	Date of Award.	Amounts Awarded.
	1868.	$ c.
Thomas Bolland	October 21	155 86
Woodberry Brothers	December 15	13,806 0
	1869.	
Henrique Schmale	January 29	7 000 0
Lorenzo Ellul	February 25	2,109 0
Oliver Romberg	March 15	2,750 0
F. P. Bonttur	March 22	90 0
Enrique Bresto	April 10	226 75
Carolina Perouze..	April 15	50 0
Gerold and Urich	May 13	3,000 0
F. N. Bonttur	June 2	13,000 0
H. G. Schimmel	June 4	13,600 0
C. D. Dunlop	June 10	640 0
Peter Murdock	July 6	380 0
John Giuseppi	September 2	24,375 0
Gilbert Kerr and Co.	September 8	9,664 61
Joseph Jelleret	September 15	61,651 69
Julius A. Cipriani	September 23	4,000 0
Felix Labaday	September 24	6,555 0
Dr. H. Segur	September 25	65 0
Dionisio Pampellone	September 27	2,015 0
Edward Brandt (No. 2)	September 28	2,570 0
W. H. L. Syers	September 29	2,000 0
Edward Brandt (No. 3)	September 30	3,780 0
William Ackers Cage	October 1	3,879 42
Mrs. Sarah Campbell	October 1	4,005 1
Henry Court and H. Borde . ..	October 1	6,058 87
Luciano Agostini..	October 8	2,150 16
W. A. Andral	October 8	7,199 87
H. O'Callaghan	October 8	19,093 20
M. A. Elizondo	October 8	5,498 7
Robert Syers	October 8	7,924 72
Bernardo Daly	October 8	1,527 33
Arthur Halle	October 8	70,795 6
J. A. S. Cipriani	October 8	10,971 33
Total	.. .. ..	$312,587 2

(Signed) LEWIS JOEL, *British Commissioner.*
JUAN DE D. MENDEZ, *Venezuelan Commissioner.*

INCIDENTAL EXPENSES of the Mixed Commission to be paid in moieties by the respective Governments.

	Currency.		Sterling.		
	$	c.	£	s.	d.
Advertising	15	37	2	7	3½
Stationer's and Copyist's Bills	266	69	41	0	7
Postages and Petty Expenses	12	0	1	16	11
	294	6	45	4	9½
Amount to be paid by each Government ..	147	3	22	12	4¾

The Commissioners leave it to their respective Governments to determine the time when the salaries of the Commissioners should commence and terminate, and what travelling expenses, if any, should be allowed to the appointed place of meeting and return from the same, and the compensation to be allowed to the Umpires.

(Signed) LEWIS JOEL, *British Commissioner.*
JUAN DE D. MENDEZ, *Venezuelan Commissioner.*

Report of the Mixed Commission on the Claims of British Subjects against the Government of Venezuela.

Presented to the House of Commons by Command of Her Majesty, in pursuance of their Address dated February 28, 1871.

LONDON:
PRINTED BY HARRISON AND SONS.

C.X. k. 5

JAMAICA.

RETURN to an Address of the Honourable The House of Commons, dated 7 February 1866;—*for*,

"COPY of the CORRESPONDENCE in relation to the Removal of Mr. *G. W. Gordon* from the Magistracy in *Jamaica*, and the Circumstances connected with the *Morant Bay* Lock-up case."

Colonial Office,
2 March 1866.

W. E. FORSTER.

(*Mr. Thomas Potter.*)

Ordered, by The House of Commons, *to be Printed*,
5 *March* 1866.

SCHEDULE.

DESPATCHES FROM THE LIEUTENANT-GOVERNOR.

No. in Series.	Date and Number.	Subject.	Page.
1	8 July 1862 (No. 41).	Transmitting correspondence with Mr. G. W. Gordon, relative to the lock-up at Morant Bay, and to charges of cruelty preferred by Mr. Gordon against the Rector of St. Thomas-in-the-East, and stating that he had felt it his duty to remove him from the Commission of the Peace.	3
2	24 July 1862 (No. 52).	Forwards further correspondence with Mr. Gordon, with a summary of the principal features of the whole case.	9
3	7 August 1862 (No. 56).	Transmitting letter from Mr. Gordon to the Secretary of State, with remarks.	18
4	8 August 1862 (No. 58).	Transmits a letter from the Baron Ketelhodt, relative to Mr. Gordon's letter to the Secretary of State.	20
5	9 August 1862 (No. 59).	Transmits a letter from Mr. Gordon, dated 7th August 1862, which should have been sent with despatch No. 41, of the 8th July 1862.	22
6	21 August 1862 (No. 63).	Transmits a letter from Mr. Gordon, dated 6th August 1862, and reports measures taken to secure a more efficient supervision of "lock-ups," or places for temporary confinement of prisoners.	23
7	8 Sept. 1862 (No. 80)	Memorial from certain persons in the parish of St. Thomas-in-the-East, to Her Majesty the Queen, with reference to Mr. Gordon's dismissal.	26
8	23 Sept. 1862 (No. 84).	Commenting on the Memorial transmitted in Despatch No. 80.	31
9	9 October 1862 (No. 88).	In reply to the Secretary of State's Despatch, No. 490, of 5th September 1862, relative to Mr. Gordon's removal.	31
10	3 Dec. 1862 (No. 121).	Enclosing a further letter from Mr. Gordon, addressed to the Secretary of State, dated 22d November 1862.	34
11	3 Dec. 1862 (No. 122).	Transmitting a letter from Mr. H. Clyne, enclosing resolutions passed at a public meeting, in the parish of St. Thomas-in-the-East.	35

DESPATCHES FROM THE SECRETARY OF STATE.

1	5 Sept. 1862 (No. 490).	In reply to Governor's Despatches, No. 41, 52, and 56, and expressing the Secretary of State's opinions upon the proceedings therein reported.	37
2	23 Sept. 1862 (No. 496).	In reply to Governor's despatch, No. 58, of 8th August, transmitting letter from Baron Ketelhodt.	40
3	23 Sept. 1862 (No. 497).	Acknowledging Governor's Despatch, No. 63, of 21st August, and expressing approval of the circular addressed to the custodes of the various parishes with regard to visiting the places of confinement.	40
4	25 Sept. 1862 (No. 498).	Acknowledging Governor's Despatch, No. 59, of the 9th August 1862.	40
5	13 October 1862 (No. 505).	Acknowledging the Memorial to Her Majesty, which was transmitted in Governor's Despatch, No. 80, of the 8th September.	41
6	31 October 1862 (No. 511).	In reply to Despatch, No. 84, of the 23d September, covering a report of a public meeting held in St. Thomas-in-the-East.	41
7	11 Nov. 1862 (No. 515).	Expressing satisfaction at finding that the Governor had reproved the apathy and neglect exhibited by the authorities in whom the management of the lock-up house in Morant Bay is vested.	41
8	7 January 1863 (No. 532).	Acknowledging the letter from Mr. Clyne, which was forwarded in Governor's Despatch, No. 122, of the 3d December 1862.	42
9	9 January 1863 (No. 535).	Instructing the Governor to furnish Mr. Gordon with a copy of the Secretary of State's Despatch, No. 490, of the 5th September 1862.	42

COPY of the CORRESPONDENCE in relation to the removal of Mr. *G. W. Gordon* from the Magistracy in *Jamaica*, and the circumstances connected with the *Morant Bay* Lock-up case.

Despatches from the Lieutenant Governor.

— No. 1. —

(No. 41.)

COPY of a DESPATCH from Lieutenant Governor *Eyre* to His Grace the Duke of *Newcastle*, K. G.

King's House, 8 July 1862.

My Lord Duke, (Answered, No. 490, 5 Sept. 1862, page 37.)

I HAVE the honour to transmit herewith two letters addressed to your Grace by Mr. G. W. Gordon, together with copy of a correspondence between that gentleman and the Governor's Secretary, as well as a letter from the Custos of Saint Thomas-in-the-East, reporting the result of a special session of the peace which I had caused to be held in that parish, for the purpose of inquiring into certain charges and accusations preferred by Mr. Gordon against the rector and parochial authorities.

2. Your Grace will observe, from a communication which I have caused to be made to Mr. Gordon, copy of which I also enclose, that I have felt it my duty to remove Mr. Gordon from the commission of the peace, a step which I trust your Grace will approve.

3. The delay in transmitting the two letters to your Grace has been caused by the references and investigations which were required to enable me not only to report to your Grace, but to come to the decision whether any person should be allowed to hold Her Majesty's Commission who was capable of such deliberate and wilful misrepresentation as that of which Mr. Gordon has been guilty.

His Grace the Duke of Newcastle, K. G.
&c. &c. &c.

I have, &c.
(signed) *E. Eyre.*

No. 1.
Lieutenant Governor Eyre to the Duke of Newcastle, K.G.
8 July, 1862.

Mr. Gordon to Mr. Austin, 7 May 1862.
"For the Duke of Newcastle," 7 May 1862.
Mr. Austin to Mr. Gordon, 12 May 1862.
Mr. Austin to Mr. Barclay, 12 May 1862.
Mr. Barclay to Mr. Austin, 28 May 1862.
Pauper Expenditure. Rev. Mr. Cook to Mr. Austin, 23 May 1862.
Mr. Austin to Mr. Gordon, 13 June 1862.
Mr. Gordon to Mr. Austin, 14 June 1862.
Mr. Gordon to the Duke of Newcastle, 14 June 1862.
Mr. Austin to Mr Barclay, 20 June 1862.
Mr. Barclay to Mr. Austin, 4 July 1862.

Enclosure 1, in No. 1.

Mr. *Gordon* to Mr. *Austin*.

Sir, St. Thomas-in-the-East, 7 May 1862.

I HEREIN beg to hand you a letter, open, for his Grace the Colonial Secretary, to be forwarded, as I believe is required, through his Excellency the Lieutenant Governor, and to which I most respectfully entreat attention.

I have, &c.
(signed) *Geo. W. Gordon.*

To H. W. Austin, Esq.,
Governor's Secretary.

Encl. 1, in No. 1.

(Copy for His Grace the Duke of Newcastle.)

Sir, Bath, St. Thomas-in-the-East, 7 May 1862.

I HAVE respectfully to bring to the notice of his Excellency the Lieutenant Governor the following facts, gravely requiring consideration, as regards the administration of justice in connection with prison regulations, the condition of the poor, and the collection of debts:—

1st. The absence or non-attendance of justices frequently causes delay in dealing with cases, and the consequent detention of parties accused; and at other times such parties do not readily obtain bail. They are then confined, by what authority I cannot find out, in a miserable place called the "lock-up," at Morant Bay. This place is one of the most disgusting and revolting to human nature that can be imagined. Want of cleanliness and stench enough to produce immediate sickness and disease, unwhitewashed, and nasty, it is indeed a sink-hole; and yesterday, when Justices Walton and Paterson visited with me, it was in this wretched state. Prisoners, and frequently several are sent in, are for days and weeks locked up together in one horrid room, where they all mingle together when sent in, and perform the calls of nature in the same place on the ground, and imbibe its miserable stench; enough to breed pestilence.

It would hardly be believed that on the 6th day of May 1862 such a state of matters could be witnessed in a British colony in connection with prison discipline. But this is not all! The rector of the parish actually sent in a poor sick man, on what authority I cannot find out, nor do I know how the rector could do so at all; and this wretched creature was up to last night, from the 26th April last, actually living in the privy of this unventilated place; there he sat, and drank and slept there; better had he slept the sleep of death than undergo this slow process of poisoning, which it really is. And I submit that the Attorney General has a good action in this case, and I do truly and humbly hope it will be the pleasure of his Excellency to cause inquiry. The instincts of humanity plead in this case. Nor is it a singular one; other matters may be related which would show the sad state of affairs, especially with reference to prisons, existing in Jamacia, and which calls for immediate attention of the Government.

Many of Her Majesty's best, though humble and unprotected subjects, have had to encounter the death-hole of Morant Bay lock-up, and also the misery of other similar prisons, not of reform, but of degradation and death.

2d. In the district prison at Morant Bay the prisoners generally have lately been engaged in cleaning out the cesspool, which had not been emptied for four or five years previously, and was in a horrid state. I submit that this is not quite consistent with prison regulation. (I may here remark that the supervisor of this prison is one of the most able and exemplary I know.)

3d. In this extensive parish there is not a single poor or alms house or hospital; the consequence is that in cases of accidents to visitors, travellers, sailors, or any of the inhabitants engaged in estates' work, there is no place of reception and relief, and frequently the cause of humanity is outraged to an extent which is actually barbarous, and truly it may be said that "the poor is not cared for."

4th. There is no jail for debtors, nor any jailor, so that when a debtor is taken, there is no proper place of custody. The officers, I believe, have attempted to put debtors in the District Criminal Prison, and it is worthy of inquiry how debtors are used in St. Thomas-in-the-East.

I submit only these few points at present, and I am fully prepared to show the grounds of my complaint, for, in the execution of my duties, I have often found hindrances and anomalies and enormities which baffle my ideas of common consideration and justice.

Trusting that his Excellency will be pleased to consider what I have stated as induced only by a sense of humanity and propriety.

H. W. Austin, Esq.,
Governor's Secretary.

I have, &c.
(signed) *Geo. W. Gordon.*

Mr. *Austin* to Mr. *Gordon*.

Sir, Governor's Secretary's Office, 12 May 1862.

I AM directed by the Lieutenant Governor to acquaint you that his Excellency will forward your letter of the 7th instant to his Grace the Secretary of State for the Colonies.

I have, &c.
(signed) *Hugh W. Austin,*
Governor's Secretary.

MR. GORDON FROM THE C

...in to Mr. *Barclay*.

Mr

Governor's Secretary's Office, 12 May 1862.

Sir,

I HAVE the honour, by ...re of the Lieutenant Governor, to enclose herewith a letter ... on the subject of the jail and the condition of the poor, &c., received from G. W. Gst, and to request you to report upon the allegations and state- in St. Thomas-in-the- ments made.

I have, &c.
(signed) *Hugh W. Austin.*
Governor's Secretary.

Mr. *Barclay* to Mr. *Austin*.

Sir,

Kingston, 28 May 1862.

I TRANSMITTED a copy of Mr. G. W. Gordon's letter of the 7th instant, addressed to his Excellency the Lieutenant Governor, to the magistrates at Morant Bay, and having obtained the necessary information, I proceed to report upon the same, and shall take up the several charges seriatim, so far as they are tangible and seem deserving of notice.

2. First, that the lock-up at Morant Bay is a sink-hole of filth and nastiness, in which the prisoners perform the calls of nature on the ground, and imbibe its miserable stench, enough to breed pestilence, &c. &c.

3. The description is anything but correct. The building was originally used as a work-house for the parish, and instead of being a "sink-hole" is much too large for the purposes to which it is now applied. On the ground floor at the west or lee end is a roomy privy for the accommodation of the inmates (few in number, and often not one), and upstairs is a large room on the left, with benches or beds, where persons imprisoned for debt have been usually lodged.

Second, that the rector of the parish actually sent a poor sick man into this wretched place, upon what authority I cannot find out, &c. &c.

4. The facts of this case are, that a poor wandering stranger, far gone in dropsy, and since dead, called at the rectory late in the evening, seeking food and lodging, and the rector, having no means of accommodating him, sent him to the lock-up, with directions to the keeper to receive him, and have his wants provided for; and more, he sent and informed the churchwarden, who immediately sent 4 *s.* to procure necessaries, when the rector considered the case off his hands, having done all he could.

5. Such are the facts upon which Mr. Gordon trumps up a criminal charge against the rector, and suggests having him put in the hands of the Attorney General.

Third, that in the extensive parish, there is not a poor or alms house or hospital, or jail for debtors. That the poor are not cared for, &c. &c.

6. The extensiveness of the parish has most likely been the cause of no alms or poor house having been provided for it, the people having insuperable objections to be removed to a distance from their homes and their friends. But the best possible proof that the poor have not been neglected is afforded by the statement which I send herewith, showing that the pauper allowances for the parish have, during the last four years, been increased from 480*l.* to 720*l.*

Fourth, that the absence or non-attendance fo justices frequently causes delay in dealing with cases, and the consequent detention of parties accused, and at other times such parties do not readily obtain bail.

7. It may be true that the justices do not attend the petty courts so regularly as could be wished, but parties incommoded in this way are very well able to make their own complaints, and generally ready enough to do so. I am not aware of any authority Mr. G. W. Gordon possesses to set himself up as a censor-general of the island. His recent intermeddling with the district prison at Morant Bay, which was brought to the notice of Governor Darling, is another case in point.

8. In conclusion, I beg to add that, it being my anxious desire to have the business of the parish correctly and properly conducted, I have requested Mr. T. W. Jackson, the stipendiary justice at Morant Bay, to keep a watchful eye on what is going on, and to inform me if he sees anything wrong.

I have, &c.
(signed) *A. Barclay,*
Custos of Saint Thomas-in-the-East.

PAUPER EXPENDITURE of the Parish of [illegible]OMAS-IN-THE-EAST.

		£.	s.	d.	£.	s.	d.
1857-58.	Medical attendance	60	–	–			
	Maintenance	400	–	–			
	Provisions to churchwardens	20	–	–			
					4[illegible]	–	–
1858-59.	Medical attendance	75	–	–			
	Maintenance	625	–	–			
					700	–	–
1859-60.	Medical attendance	70	–	–			
	Maintenance	600	–	–			
					670	–	–
1860-61.	Medical attendance	100	–	–			
	Maintenance	600	–	–			
					700	–	–
1861-62.	Medical attendance	120	–	–			
	Maintenance	600	–	–			
					720	–	–

Copy from the Records, Treasury, 28 May 1862.

(signed) *A. Barclay*,
Custos, St. Thomas-in-the-East.

Rev. Mr. *Cooke* to Mr. *Austin*.

My dear Sir, Parsonage, Morant Bay, 23 May 1862.

I HAVE within the last few days been favoured with a perusal of Mr. Geo. W. Gordon's letter to you of the 7th instant, in which my conduct with regard to having sent a poor man to the lock-up in this town has been shamefully and untruthfully represented to his Excellency the Lieutenant Governor, with a recommendation to place me in the hands of Her Majesty's Attorney General. Without wishing to attach greater importance to any communication emanating from such a source than it deserves, still I feel it is due to my character and position in the Church to offer to his Excellency a plain statement of all the facts connected with this matter. On the 26th ult., about 6 p.m., a poor man came to me, soliciting alms, and a place in which to lay his wearied and diseased body. There being no parochial asylum to which he could be sent, rather than allow him to remain in the open streets all night I sent this poor houseless wanderer, first providing him with the means of support for a day or two, to the lock-up for the night. When doing this the understanding was that the man if able to travel should come again to me, and I would, if there was a vessel to sail for Kingston, give him a passage, and a letter to procure him admission into the public hospital.

2. I heard nothing more of the man until the 3d instant, when the keeper called on me, and reported he was still in the lock-up, unable to move. I at once gave him a note to Mr. M'Kenzie, junior, acting as almoner for his father, to give the keeper 3 s. for the support of the man, which was complied with; and I naturally concluded, as I believe was the fact, he would report the case to his father, under whose supervision, as churchwarden, the lock-up is placed. Such being the case, I considered any further interference on my part unnecessary.

3. On the 6th instant Mr. Gordon stated to me that he had visited that morning the lock-up, and was surprised to find I had sent a poor sick man there, who, he said, was confined in the privy (a palpable falshood, for he was under no restraint whatever), and that the place altogether was all that was filthy and abominable. I was certainly greatly surprised at hearing this sad account of the lock-up, and determined on visiting the prison, which I did a day or two afterwards, taking with me the parochial surgeon for the district. We found the place appropriated for male prisoners clean, and free from everything that could offend the eye or the senses. The unfortunate man whose case has offered this mock philanthropist so prolific a subject for gross and wilful misrepresentation was certainly lying on the seat of the privy, from which the keeper informed us he could not induce him to remove. I may here mention, by the way, Mr. Gordon had himself failed to induce him to change his situation. Dr. Murrogh having examined the man, reported he was suffering from dropsy and chronic disease of the kidneys, and that his case was hopeless. These are the facts of the case, so far as affects myself; and it is the first time, during an incumbency of upwards of 32 years, I have ever been accused of wanting in humanity to my poorer brethren. This piece of slanderous malevolence was reserved for Mr. George W. Gordon, from whose lips or

from

from whose pen nothing can emanate that can at all injure me in the good opinion of any one to whom he is known; nor should I have deemed Mr. Gordon or his slanders worthy of aught save the most profound contempt, had he not addressed himself to the Queen's representative, to whom I consider this explanation is respectfully due.

I remain, &c.
(signed) *S. H. Cooke.*

Mr. *Austin* to Mr. *Gordon.*

Sir, Governor's Secretary's Office, 13 June 1862.

I AM directed by the Lieutenant Governor, with reference to your letter of the 7th ultimo, to say that, having duly inquired into the circumstances connected with the statement which you made, his Excellency finds that the charge of cruelty against the Rev. Mr. Cooke, the rector of St. Thomas-in-the-East, is altogether unfounded, and that your general allegations as to the state of the prisons at Morant Bay are greatly exaggerated, both of which circumstances you had full opportunity of ascertaining for yourself.

2. His Excellency will be glad to learn that you can offer any explanation of your having made such serious and groundless charges.

I have, &c.
(signed) *Hugh W. Austin,*
Governor's Secretary.

Mr. *Gordon* to Mr. *Austin.*

Sir, Kingston, 14 June 1862.

I HAVE to acknowledge your Despatch, No. 771, of yesterday's date, intimating that his Excellency the Lieutenant Governor, has duly inquired into the charges set forth in my letter of the 7th ultimo, with reference to the case of the unfortunate sick man (since dead) who had been consigned to the "lock-up" at Morant Bay, and found the same to be "unfounded," and that my general allegations as to the state of the "prison" (no doubt "lock-up" intended) are greatly exaggerated, and also that both of which circumstances I had the full opportunity of ascertaining for myself; and further, that his Excellency will be glad to hear that I am able to offer "any explanation of having made such serious and groundless charges." I respectfully submit that I have made "serious" but not "groundless" statements, and entreat that his Excellency will do me the justice to suspend the judgment in these matters till I am able to supply other testimony in corroboration of the statements which I made entirely on the principles of truth, and from no desire of unnecessarily censuring any party. I beg to state that my feelings of honour and truth are solid, and, therefore, as his Excellency has not been pleased to acquaint me upon what evidence I have been so painfully and unduly censured, I am glad of the opportunity "afforded me of offering any explanation." As I wrote from the result of personal observations, also witnessed by other parties, I shall, with all convenient speed, be able to adduce further testimony sustaining the statements! Assuring his Excellency that my motives are not personal, but purely arising from a sincere desire for good, and the relief of suffering humanity,

I have, &c.
(signed) *Geo. W. Gordon.*

To the Duke of *Newcastle,* Secretary for the Colonies, &c. &c.

May it please your Grace, Jamaica, 14 June 1862.

SINCE my last communication through his Excellency the Lieutenant Governor I have received a Despatch from his Excellency's Secretary, a copy of which, with my reply, I now beg to submit to your Grace; and as I shall be able, I trust, fully to substantiate the statements which I made respecting the Morant Bay lock-up, and the unfortunate man (Thomas Williams), since dead, I trust that your Grace may be pleased to suspend, for the present, judgment on this matter, which, small as it appears, embraces points vital to the well-being of society in this part of Her Majesty's dominions, and involves interests concerning an important class of Her Majesty's subjects for whom the British Government and people have always exercised jealous care, as affecting the grand scheme of negro emancipation; and, if the fact of the introduction of coolies be considered, the subject becomes still more grave. One of these unfortunate creatures I saw yesterday on the public road all but naked, and others in Kingston are in a most wretched state. It then becomes how far the Government is answerable,* and it is time that the sanitary condition of the island should be considered. I have further to state that, a few days ago, in attending at the court-house in Kingston, I found two coolies, who had the day previous been put on their trial and remanded, and brought up again before the sitting magistrates; the charge was for stealing, but could not be proceeded with for want of an intrepreter, because it

* *Sic* in Orig.

was stated there was no means to pay one, nor any provision in the law. The two men were then dismissed, and let loose again on society. This surely is a case of intolerable grievance, not only to the party making the charge, and that party was in the name of the Crown, but to the whole community, and must tend to complete ultimate disorganization. We are taxed to import these people to work individual private gentlemen's estates, then they become mendicants, after being here uncared for, and then we are to be further taxed by their acts of spoliation, and no remedy afforded or restraint put upon them, as it proved in court. What must the end of all this be? The sitting justices on this case were G. B. Smith, Esq., senior magistrate, and H. J. Bicknell, Esq., stipendiary magistrate. I now implore the righteous interposition of your Grace. I shall not on any future occasion trespass on that valuable time which I am aware important and public business otherwise demands, but this subject will lead your Grace to deductions worthy of notice.

I have, &c.
(signed) *G. W. Gordon.*

P.S.—Your Grace will not fail to perceive how I have been dealt with. Instead of a candid investigation, I am misrepresented in my own face, by stating that I made a charge of "cruelty" against the rector. Indeed I said nothing of "cruelty," but I referred to proceedings which really existed, but which are now termed "altogethe unfounded." They were in very deed almost tantamount to a sentence of death, as the dismal sequel has since proved, and for which the party or parties concerned, as may be found out, ought, I humbly submit, to be dealt with. Second, the dry facts about the miserable lock-up are now stated as "greatly exaggerated." How is this shown? Third, no reference is made to the entire want of hospital accommodation. Fourth, nothing is said respecting the want of a debtors' prison. I do really feel anxious that the truth may be arrived at, and such measures of reform adopted as are now called for, and for which I claim the approbation of good government; but, alas! at present to pine over evils seem all that can be done in miserable Jamaica.

G. W. G.

Mr. *Austin* to Mr. *Barclay*,

Sir, Governor's Secretary's Office, 20 June 1862.

I AM directed by the Lieutenant Governor to transmit herewith the enclosed copy of a letter received from Mr. George William Gordon, and to state that as Mr. Gordon still maintains the accuracy of his allegations, and says he is prepared to prove them, his Excellency requests that you will convene a special session of the peace in St. Thomas-in-the-East, and submit Mr. Gordon's letter to the justices, and call upon them to inquire into and report fully upon the statements made by Mr. Gordon, in accordance with the provisions of the Act 20 Vict. c. 11, s. 20.

2. The Lieutenant Governor further request that you will give Mr. Gordon due notice of the day appointed for the meeting of the justices, in order that he may be personally present to prove his case, if able to do so.

I have, &c.
(signed) *Hugh W. Austin,* Governor's Secretary.

Mr. *Barclay* to Mr. *Austin*.

Peace Office, Morant Bay, Saint Thomas-in-the-East,
Sir, 4 July 1862.

I HAVE to report, for the information of his Excellency the Lieutenant Governor, that the justices met in special sessions yesterday; that your Despatches of the 20th and 23d June, with the several enclosures therein stated, were submitted to the sessions, and are now annexed to the proceedings. That Mr. Gordon was called upon to support his charges by evidence on oath.

2. That the sessions was occupied from 11 o'clock a.m. till 6 o'clock p.m. in the investigation.

3. That Mr. Gordon was allowed every scope and latitude in his endeavour to establish his charges.

4. That the justices inspected the lock-up, and found it in good and clean order and condition.

5. That Mr. Gordon has utterly failed to prove his charges against the rector; on the contrary, it was established that the rector was actuated by feelings of charity and benevoence in the case of the wandering stranger.

6. The poor stranger was never a prisoner, and was never at any time put under any restraint.

7. The

7. The keeper of the lock-up, it transpired in evidence, distinctly informed Mr. Gordon that the rector had sent the poor man to him to be cared for and assisted with a night's lodging, so that when Mr. Gordon made his charges to his Excellency the Lieutenant Governor against the rector he had a full knowledge that the man was not a prisoner, and he well knew under what circumstances he was in the lock-up.

8. That the churchwarden and the keeper himself did all in reason that they could to relieve the man.

9. That the evidence taken at the sessions, together with the resolution arrived at by the justices, will be forwarded to you as soon as the papers can be copied so as to be annexed to this report.

I have, &c.
(signed) *A. Barclay,*
Custos of St. Thomas-in-the-East.

— No. 2. —

(No. 52.)

No. 2.
Lieutenant Governor Eyre to the Duke of Newcastle, K.G.
24 July 1862.

COPY of a DESPATCH from Lieutenant Governor *Eyre* to his Grace the Duke of *Newcastle*, K.G.

King's House. 24 July 1862.
(Answered, No. 490, 5 September 1862, page 37.)

My Lord Duke,

REFERRING to my Despatch, No. 41,* of the 8th instant, I have the honour to forward another communication from Mr. Gordon to the Governor's secretary, together with a copy of the reply which I have caused to be addressed to him.

* Page 3.

Mr. Gordon to Mr. Austin, 5 and 6 July 1862.
Mr. Austin to Mr. Gordon, 14 July 1862.

2. It may perhaps be desirable for me to make a brief summary of the principal features of the whole case.

3. Mr. Gordon, in a communication dated 7th May 1862, made various allegations relative to "the administration of justice in connection with prison regulations, the condition of the poor, and collection of debts." Amongst other statements, he designated the "lock-up" at Morant Bay as being "a place one of the most disgusting and revolting to human nature that can be imagined," and he then charged the rector of the parish with "having actually sent in a poor sick man, on what authority I cannot find out, nor do I know how the rector could do so at all," adding, "and this wretched creature was up to last night, from the 26th April last, entirely living in the privy of this unventilated place; there he was put, there he remained, there he eat and drank and slept there; better had he slept the sleep of death than undergo this slow process of poisoning, which it really is, and I submit that the Attorney General has a good action in this case."

4. This communication of Mr. Gordon's was referred to the custos of the parish, "to report upon the allegations and statements made."

5. The custos, on 28th May, did report as regards the "lock-up," that it was formerly used as the almshouse of the parish, that "the description (given by Mr. Gordon) is anything but correct," that instead of being a "sink-hole," it is much "too large for the purposes to which it is now applied," and that the inmates were "few in number and often none."

As regards the charge against the rector, "the facts of this case are, that a poor wandering stranger, far gone in dropsy, and since dead, called at the rectory late in the evening, seeking food and lodging, and the rector, having no means of accommodating him, sent him to the lock-up, with directions to the keeper to receive him and have his wants provided for; and more, he sent and informed the churchwarden, who immediately sent 4 *s.* to provide necessaries, when the rector considered the case off his hands, having done all that he could. Such are the facts upon which Mr. Gordon trumps up a criminal charge against the rector, and suggests having him put in the hands of the Attorney-General."

6. About the same time a letter reached me from the rector of the parish himself, dated 23d May 1862, stating that his conduct had been "shamefully and untruthfully represented," giving a plain statement of the facts, and reporting that Mr. Gordon had personally seen him on the 6th May, and in reference to this very case. Mr. Gordon therefore knew all the true circumstances connected with

the case before he wrote his letter of the 7th, charging the rector with inhumanity, and suggesting he should be placed in the hands of the Attorney-General.

7. Having these reports before me, I caused Mr. Gordon to be informed that, having duly inquired into the circumstances connected with his statements, I found that the charge of cruelty against the Reverend Mr. Cooke, the rector of St. Thomas-in-the-East, was altogether unfounded, and that his general allegations as to the state of the prison at Morant Bay were greatly exaggerated, both of which circumstances he had full opportunity of ascertaining for himself, adding, that I should be glad to learn that he could offer any explanation of his having made such serious and groundless charges.

8. To this communication Mr. Gordon replied (14th June) by reiterating his statements, and acquainting me that he would "with convenient speed be able to adduce further testimony sustaining the statements."

9. Instead of doing this, Mr. Gordon forthwith addressed another letter to your Grace (14th June), stating that he trusted fully to substantiate the statement he had made respecting the Morant Bay lock-up and the unfortunate man, Thomas Williams, but adding a variety of other allegations relative to the treatment of coolies, the sanitary state of the island, the want of interpreters, the taxation of the public to import labourers for private gentlemen's estates, &c. &c.

10. Finding that up to the 20th June I heard nothing further from Mr. Gordon, I then directed the custos of the parish to summon a special sessions of the justices, to inquire into and report fully upon the statements made by Mr. Gordon, giving that gentleman due notice of the day appointed for the meeting, in order that he might be personally present to prove his case, if able.

11. On the 3d July instant the special sessions was held, at which a numerous and highly respectable body of magistrates to the number of 14 was present.

12. The report of the proceedings, dated 4th July, accompanied my Despatch, No. 41.*

* Page 3.

13. From this report your Grace would learn, that after an inquiry lasting from 11 a.m. until 6 p.m., during which Mr. Gordon was allowed every scope and latitude in his endeavours to establish his charges, and after the justices had themselves inspected the lock-up, it was judicially decided that "Mr. Gordon had utterly failed to prove his charges against the rector; on the contrary, it was established that the rector was actuated by feelings of charity, and benevolence in the case of 'the wandering stranger,' and that the keeper of the lock-up had distinctly informed Mr. Gordon that the rector had sent the poor man to him to be cared for, and assisted with a night's lodging"

14. It was my own conviction that a person who could knowingly make such a malevolent and wilful mis-statement against a worthy clergyman (whose 32 years' service might have claimed for him respect even from Mr. Gordon) ought not to remain any longer in the commission of the peace. In this conviction the members of the executive committee fully concurred, and indeed, after a formal judicial inquiry, under the provisions of 20 Vict. c. 11, s. 20, into Mr. Gordon's conduct, there was no other alternative open to me than at once to remove him from the bench, which was accordingly done. To have allowed him to remain would have been an insult to the other magistrates.

Enclosure 2, Evidence at Special Sessions, 3 July 1862.

15. I now append a copy of the evidence taken, and of a further letter received from Mr. Gordon (5th July).

16. Without attempting to follow Mr. Gordon in his various objections or statements, I would call your Grace's attention to the principal statement, that the case was decided without examining 11 witnesses whose names he tendered to the justices.

17. The report states that these witnesses were tendered to give evidence "as to the past condition of the lock-up, and other matters connected therewith," and the bench very properly decided that this was a matter they were not called upon to inquire into, since the investigation was for the purpose of enabling Mr. Gordon to prove that he had not made mis-statements against the rector, knowing them to be such, and that his allegations as to the existing state of the Morant Bay lock-up were not greatly exaggerated.

18. As

18. As regards the lock-up itself, I have the honour to enclose a statement by the custos of the parish, showing that the building is entirely parochial, and altogether in the hands and management of the local vestry and the justices, and that the Executive is in no way responsible for any insufficiency or deficiency which may have existed either in the management or in the supply of requisites. Enclosure 3. Statement by Mr. Barclay, 24 July 1862.

19. It further follows from this statement, that if Mr. Gordon's object really was to remedy an abuse which he believed to exist, it was his duty, as a justice of the parish, and one of the body in whom the control vested, to have himself urged upon his brother justices or upon the vestry the necessary reforms; but he did not do this, either on the recent occasion, or any time during the series of years through which it is implied the lock-up has been mismanaged. As regards the poor man, Williams, it is equally apparent (for the question was put in evidence), that whilst Mr. Gordon made a charge of cruelty against the rector, who had done all in his power to relieve him, Mr. Gordon himself never aided him, either by gift of food or money, or even by urging upon the parish authorities to do so.

20. Mr. Gordon also commented in strong terms upon the poor man being left on the privy, but when he saw him there he neither influenced him by his persuasion to quit it, nor did he exercise his authority as a magistrate to direct the keeper of the lock-up to remove him by force.

21. It only remains for me to notice that whilst the evidence taken before the justices discloses gross want of propriety and attention to his duty on the part of the gaoler (stated by Mr. Gordon in his letter of the 7th May to be the most able and exemplary supervisor of a prison that he knew), in not taking care that the lock-up was properly supplied with utensils for use at night, yet as the lock-up is reported to be usually occupied by but few inmates, and often to be without even one, I would hope that the state of things reported as existing occasionally has not occurred so frequently or to so great an extent as might perhaps, upon a perusal of the evidence, be at first supposed.

22. I have called for returns which will throw light upon this point, and have also taken such steps as were necessary to prevent a recurrence of any similar abuse, as well as to secure a better and more frequent visitation and inspection by the justices, not only in respect to this lock-up, but in reference to all the places of confinement in the Colony. I may add that this subjec thas anxiously engaged my attention ever since my first arrival in the Colony, and my efforts have been unceasing to secure the regular and systematic attention of the justices to this most important duty. Indeed, I have myself set the example, by visiting personally all the gaols and other institutions within reasonable reach.

23. I shall transmit to your Grace by the next mail the copy of another communication which I received from Mr. Gordon, in reference to the state of things at Kingston, as it shows the rash, inconsiderate, and wholesale nature of the charges Mr. Gordon is in the habit of preferring.

This letter would have accompanied my present despatch, but having been referred in original to the mayor of Kingston, has not been restored to me.

I have, &c.
(signed) *E. Eyre.*

His Grace the Duke of Newcastle, K.G.
&c. &c. &c.

Enclosure 1, in No. 2.

Mr. *G. W. Gordon* to Mr. *Austin.*

Sir, Kingston, 5 July 1862.

I HAVE to state, for the information of his Excellency the Lieutenant Governor, that a special session of the peace for St. Thomas-in-the-East was held at Morant Bay on the 3d instant, at which his Honour the custos presided, the Honourable Baron Ketelhodt and a large number of magistrates were also present. Encl. 1, in No. 2.

The proceedings were conducted in an extraordinary and unfair manner towards me.

1st. My introductory and explanatory remarks, which I desired to make in showing the necessity and occasion for having reported the various matters to his Excellency, were refused to be heard.

2d. Then, in order that it may not be said that I wished to evade the inquiry, I went into the

the dry matter of evidence, without remarks. As soon as two witnesses were examined, the custos and some of the other gentlemen seemed to get weary, making remarks of being tired, lived a long way off, it was getting late, &c. Then they determined not to hear any more witnesses, but to visit the lock-up, which, of course, having been, since my report, cleaned, repaired, and improved, is now quite a different place from what it was on the 6th May last and previously, and on their return they would only hear one other witness, who was very shortly examined, and then wished to close the proceedings, while I had 11 more witnesses yet to be examined, nine of whom were present, and ready to bear most important testimony in support of my charges, and who could speak experimentally of the state of the lock-up as it had been, and to some extent even now is (the urine from the female rooms above running down on the parties confined below, and there being only one entrance to the female ward through the keeper's room, and although a late keeper had been tried for rape, no alteration has yet been made).

The want of a gaol.

The destitute and neglected condition of the poor, and the great needs-be for an asylum or parochial hospital, &c. As, however, the custos and justices would not go on with the examination, but requested the names of witnesses not examined to be produced, I did so. Whereupon they drew up a report which, being inconsistent with the fact to be inquired into, and contrary to the evidence produced, limited as it was, I tendered a protest against, as follows: "I protest against the proceedings and decision of the justices in special session this day assembled, as not being based on evidence, either produced or prohibited, or to be produced."

Mr. Justice Hire also announced his dissent, and I learn some of the other justices present were also not satisfied. I humbly submit that I have not been duly heard, and therefore no proper decision can possibly be given.

3d. But as a copy of the evidence which was taken down will be, no doubt, submitted to his Excellency, I beg to say I hope it will, on reference thereto, be found that my statements are substantially borne out and strictly correct, and that there was no evidence to prove otherwise.

1st. The rector in his evidence admits that he sent the man to the wretched lock-up; he was placed in the privy thereof; his life eventually terminated in the cell where he had been removed when the prisoners had left. He was sick, and died without obtaining medical treatment, due care, or proper nourishment (and if all the witnesses had been examined it would have also been found that he lacked nourishment of any sort, inasmuch as he complained a few days before his death of hunger, as one of the witnesses could have proved); that all the allowance which seems to have been given to him was 6 *s.* for a period of four weeks or upwards. The evidence also shows that no inquest was held on him, and no attention was ever paid by the rector to his spiritual wants, and, without knowing whether he was a heathen or not, he was buried in the churchyard by the rector's son, who is parish clerk.

2d. The state of the lock-up, as shown by the testimony of the keeper himself, and also that of Mr. Alvarenga, was fully as bad as I represented it to have been.

3d. I was not allowed to show that there was no parochial asylum or hospital, except so far as on cross-examination the rector stated there was none.

4th. I was not allowed to give the testimony of Mr. Edward Burrell, the deputy marshal and collector of petty debts, although he was present, that there was no gaoler nor proper gaol for debtors, and that the ends of justice were thereby defeated, nor was I allowed to show that the miserable cesspool (four to five years neglected) of the district prison had been recently cleaned out by the prisoners themselves. Without desiring unduly to impugn the proceedings of the day, I do feel that there seemed a disposition to prejudge the case, and that instead of receiving cordial co-operation in correcting evils which appeared palpable (and the existence of which could not rightly be denied, and was at least to be regretted), the conduct was partial, and a desire evinced to suppress the examination and disparage me.

Finally, I submit that, notwithstanding the extraordinary and unjust decision which the majority of the justices came to, that I have substantially and honourably sustained the statements, so far as even the restricted opportunity afforded, and that I did all I could to promote the fullest investigation. I now leave the matter to the further deliberation of his Excellency, and trust that it may receive his impartial and considerate review.

I have, &c.
(signed) *Geo. W. Gordon.*

H. W. Austin, Esq.,
Governor's Secretary.

P.S.—I shall be glad, if I am in order in inquiry, to be informed if it be his Excellency's pleasure to forward a copy of the evidence and the report in due order to his Grace the Secretary for the Colonies, and also if it will be necessary for me to procure the statements of the witnesses who were not examined on the 3d instant.

(signed) *G. W. G.*

Mr. *Gordon* to Mr. *Austin*.

Sir, Kingston, 9 July, 1862.

I HAVE to acknowledge your despatch of yesterday's date,* intimating that his Excellency the Lieutenant Governor, having received a report of the proceedings of late investigation in St. Thomas-in-the-East, finds that not only are the opinions of my conduct conveyed in your letter of the 13th ult. fully substantiated, but it appears further that I made statements against the rector of St. Thomas-in-the-East, with the full knowledge that he had been actuated by kind and benevolent motives, &c.; and that it is a matter of regret that any person holding Her Majesty's Commissions (I presume you mean of the peace) should be guilty of such deliberate and wilful misrepresentations, and that it has become his Excellency's duty at once to remove me from the commissions of the peace which I hold for several parishes. This letter is of very little consequence to myself, for I believe I have held the commissions with advantage to the public service, and trust I have faithfully discharged my duties to the Crown; but the charge of wilful and deliberate misrepresentations, without even being furnished with particulars on which it is based, is as insulting as it is unconstitutional, unworthy, un-English, and undeserved; and I truly regret that Her Majesty's representative in this island could indulge in such unbecoming and unmerited personal insults, and become so great a partisan as to mix up private feelings with public duty. To say that I had every opportunity and facility afforded me of making good my assertions is a lamentable untruth, for I stated in my letter that only three witnesses were allowed to be examined, and that I had 11 remaining, whom the justices would not hear.

* Not received.

2. I contend that in every particular my statements with reference to the unfortunate man "Thomas Williams," and the treatment of him, were fully made out; and, notwithstanding the slander which is contained in the Lieutenant Governor's ungenerous denunciations, before all just minds I shall stand acquitted, and I trust my conduct will be generally approved by men of integrity and humanity, and none of his Excellency's proceedings shall move me; nor do I think his undeserved insults will in the least influence a discriminating public. If the rector of a parish may send sick men to such a miserable prison as the lock-up at Morant Bay, and then neglect and suffer them to die, without receiving proper care and nourishment or medical attendance, in the merciless way that "Thomas Williams" was treated, put in a privy to eat, drink, and sleep, and then to be removed to die in a cell, which to an extent is also a privy, to subsist for over four weeks on 6*s*., and when he dies no inquest is held on him to ascertain the cause of death, I say that it is time that there should be some notice taken of such proceedings, nor shall I submit to be told, in offensive strains, that conduct like this proceeds from "kind and benevolent motives;" and the charge of wilful and deliberate misrepresentations I repel and hurl back with indignation to the guilty quarter from whence it emanated. "The wickedness of the wicked will surely come to an end. How long shall the wicked triumph?" I do not consider that my representing flagrant abuses, claiming immediate remedy, should have induced my removal from the commission of the peace.

3. The commission requires that equal justice should be done to the poor as well as the rich, but in Jamaica it appears that a premium is held out to inhumanity, cruelty, and corruption!

4. The Lieutenant Governor has, no doubt, humiliated himself by his conduct towards me. He demonstrates himself to be the mere vassal of others, and I consider him very pitiable in this matter, which I shall bring before the tribunal of an English public in order to show the enormities of this country, and the manner in which the Government is administered.

I have, &c.
(signed) *G. W. Gordon.*

P.S.—If even I had not the solid grounds which I submitted to the Lieutenant Governor, it is clear that his conduct towards me is premature and unwarranted, and I deliberately charge him with an excessive exercise of power in my case, tending to intimidate and suppress independence in any one holding Her Majesty's commission, and to stultify useful reforms so loudly called for in this country.

G. W. G.

Mr. *Austin* to Mr. *Gordon*.

Sir, Governor's Secretary's Office, 14 July 1862.

I AM directed by the Lieutenant Governor to acknowledge your letter of the 9th instant, and to state that it only furnishes his Excellency with further evidence, if such were needed, of your unfitness for holding Her Majesty's commission of the peace.

I have, &c.
(signed) *Hugh W. Austin,*
Governor's Secretary.

Enclosure 2, in No. 2.

Encl. 2, in No. 2.

Jamaica, Ss. Parish of St. Thomas-in-the-East.

AT a Court of Special Sessions of the Peace held at the Court House, Morant Bay, in the parish of St. Thomas-in-the-East, on Thursday the 3d day of July 1862, by order of his Excellency the Lieutenant Governor, under the 20th Vict. c. 11, s. 20, for the purpose of having Mr. George W. Gordon's letter of the 7th May last, to his Excellency's secretary, submitted to them, in order that Mr. Gordon may be afforded an opportunity of substantiating his allegations, if he is able to do so.

PRESENT:

2. The Honourable Alexander Barclay, Custos, in the Chair.
The Honourable Baron Von Kettelhodt,
Duncan C. M'Kenzie,
John F. G. Damers,
Augustus Hire,
John Henthelwood,
George B. Snaith,
Jonathan C. Sibley,
William M'Kay,
John Walton,
William Paterson,
B. B. Sherwood,
William P. Coles, and
William Smith,
} Esquires, Justices of the Peace in and for the Parish of Saint Thomas-in-the-East.

3. Mr. Mowat, the clerk of the peace, read the custos' warrant addressed to the inspector of police to summon the magistrates to meet, and his return thereto; he also read the notice from the Gazette by authority convening the meeting. The clerk of the peace then read the following letters; viz.

Mr. *Gordon* to Mr. *Austin*, dated Bath, St. Thomas-in-the-East, 7 May 1862, which will be found printed at page 3.

Rev. Mr. *Cooke* to Mr. *Austin*, dated Parsonage, Morant Bay, 23 May 1862, which will be found printed at page 6.

Mr. *Barclay* to Mr. *Austin*, dated Kingston, 28 May 1862, which will be found printed at page 5.

Mr. *Austin* to Mr. *Barclay*, dated Governor's Secretary's Office, 20 June 1862, which will be found printed at page 8.

Mr. *Austin* to Mr. *Barclay*.

Sir, Governor's Secretary's Office, 23 June 1862.

REQUESTING reference to my letter of the 21st instant, I have now the honour, by desire of his Excellency the Lieutenant Governor, to enclose two letters, to be laid before the special sessions of the justices for St. Thomas-in-the-East.

I have, &c.
(signed) *Hugh W. Austin*,
Governor's Secretary.

Mr. *Mowat* to Mr. *Gordon*.

Sir, Peace Office, St. Thomas-in-the-East, 23 June 1862.

I AM desired by the custos to inform you, that a special sessions of the peace will be held at Morant Bay, in St. Thomas-in-the East, on Thursday the 3d day of July next, at 11 o'clock, a.m., in accordance with the 20th Vict. c. 11, s. 20, to afford you an opportunity of substantiating by evidence the allegations you have made in a letter of date the 7th day of May last, addressed by you to his Excellency the Lieutenant Governor, against certain persons, and against the institutions of the parish.

I have, &c.
(signed) *Edward Charles Mowat*,
Clerk of the Peace, St. Thomas-in-the-East.

Mr. *Gordon* to Mr. *Mowat.*

Sir, Kingston, 24 June 1862.

I AM in receipt of your letter of the 23d instant, intimating that his Honour the custos has summoned a special session of the peace for St. Thomas-in-the-East, at Morant Bay, on the 3d proximo, to afford me an opportunity of substantiating allegations made in my letter of 7th May last to his Excellency the Lieutenant Governor.

2. I request that all things necessary to be done on your part as clerk of the peace will be observed, and I should like to confer with you on the best course to be pursued, in order to arrive at truth.

I have, &c.
(signed) *George W. Gordon*, J. P.

On the 13th June the Secretary of his Excellency the Lieutenant Governor informed me that he had inquired into the charges.

G. W. G.

The Clerk of the Peace now called on Mr. Gordon to produce his letter of the 23d June. Letter admitted. The custos stated to the justices assembled in sessions the object for which they were met, and called on Mr. Gordon to bring forward his witnesses in support of his charges. Mr. Gordon called the following witnesses:

Examined by Mr. *Gordon.*

Stephen Hope Cooke, sworn.—I am a clergymen of the Church of England, and rector of this parish. I remember the 6th May last. I remember your being at the rectory on that day. I admitted to you that I sent a man called "Thomas Williams" to the lock-up. You did remonstrate with me on the impropriety of sending a man to the lock-up to be confined in the privy. I told you I did not send him there for any such purpose. He was a poor man, who called upon me for relief, and that I had given him 1 *s.* to provide him with food for that night and the following morning, having no place to give him to sleep in. My sending the man to the lock-up was on the suggestion of one of my servants. I sent one of my servants with the man to the lock-up, with a verbal message to the keeper to give the poor man a place to lie down in. I don't recollect your suggesting what ought to have been done. I daresay you told me he ought to have been sent to the Kingston Hospital, and I intended to have sent him there myself. After hearing what you had to say about the lock-up, I told you I would make a point of seeing Dr. Morrogh, and taking him with me to see the sanitary state of the building, and to ascertain what was the nature of the disease of the unfortunate man. I told you the man represented to me that he came from St. George's. You represented the lock-up as not being fit to put a dog in, much less a human being. I don't remember the day I sent him into the lock-up; it might have been about eight or nine days before you spoke to me. I did not visit the man during the eight or nine days he was in the lock-up, because I did not know he was there. I made no inquiry for him. He was in the hands of the churchwardens. I obtained assistance for him from the churchwardens to the amount of 3 *s.* by my request, the week after he was in. I visited the unfortunate man after you spoke to me. He was in the lock-up, in the privy. I spoke to him; his condition was bad enough. The condition of the privy was as privies usually are, not very enticing in the perfume; the privy was clean. I asked him what business he had in the privy; he said he could not get up; he could not walk about. I remonstrated with the man, Williams, about being there. I then asked the keeper how he could permit the man to remain there. He told me he could not get him to come out; that yourself had spoken to him to come out, and he would not. I can't say how long he was there. I did not know, in point of fact, until Mr. Gordon mentioned it to me. Dr. Morrogh, at my request, examined him; he was then in the privy. I then went, after receiving the medical opinion of Dr. Morrogh, to the wharf, with the view of getting a boat to send him down in to the public hospital, previously to which I had directed the keeper to look out for a vessel going down, and to let me know, and I would pay his passage, and give him a letter to the authorities of the public hospital. He was not sent down, for there was no vessel to take him. He died, I believe, two days after. He died in the lock-up. Can't say in what part. The clerk of the church buried him, "Mr. Arthur Devaney Cooke." I don't know if there was an inquest; its no business of mine. He did not receive any ministerial attention from me, for I did not even know he was there. I did not know the denomination of the man. It was reported to me that the man was cared for. I provided him with means as well as the churchwarden. Every care was taken of the man. I can't say whether the man received any medical treatment while in the lock-up. He was buried in the churchyard. I have nothing to do with the lock-up. I don't visit it. No prisoners are visited by any clergyman, that I know of. I have before sent parties, houseless people, there for the night. I have sent parties there once or twice before. I sent no written order. I cannot possibly tell his age; he might have been between 45 and 50. Know nothing about his country. He was a black man, I think. Dr. Murrogh said the man was suffering from dropsy and organic disease of the kidneys. I considered the privy an improper place for the man to be in. I was told the man put himself in the privy. I was told, in the presence of the man, that he said he had to go so often there that he preferred remaining there. I know the privy; its a very good one; its made of brick; the seats are made of wood, and the flooring of wood. I can't say if there are any windows in the privy; I did not observe any.

There is a large door; in fact I don't know if there is a door. The whole privy is open. Pure air is essential to life; to any one the influence of that privy would be deleterious; any privy would be. I don't know how long a man could live in that privy. It forms no part of my duty to inquire what nourishment was given to him. My object of sending the man to the lock-up was to prevent his dying in the streets. I had no other object than providing him with a temporary lodging for the night. I had no intention of sending him there for any other purpose than to be taken care of. I did not send him there for confine ment. There is no almshouse in this parish. If he was put into confinement it was without my knowledge. The only inference I could draw from Mr. Gordon's letter to the Lieutenant Governor was that I was the person that ought to be proceeded against by the Attorney General. I saw nothing to indicate uncleanliness in the lock-up, and if there had been I should not have been answerable. I did not put the man in the privy. I smelt no bad stench from the privy. I know the room Mr. Gordon called a horrid room; I certainly say it was not a horrid room; I found no improper smell. All I contemplated in the case of Thomas Williams was charity, and being desirous of rendering him assistance. I never sent him to the lock-up to be subjected to any restraint. Mr. Gordon was aware of my motives in sending the man to the lock-up. I did not communicate with the churchwarden, Mr. M'Kenzie, until eight days after.

Examined by *G. W. Gordon.*

Nathaniel Munro, sworn.—I reside at Morant Bay, and I am lock-up keeper at present; I have been so for the last 15 months. Mr. D. C. M'Kenzie, churchwarden, appointed me. My duty is to receive prisoners and keep them there. Prisoners are brought in by the police and sent in by the magistrates. I don't otherwise receive them. The rector is not a magistrate, that I know of. Rector has sent in no prisoners to me. I received no prisoners from the rector. I know a man named "Thomas Williams." He was a sick man. He was sent to the lock-up by the rector; there was no committing order sent with him, verbally or written. I keep a reception book for prisoners. I did not enter "Thomas Williams's" name in that book. I receive persons that are sent to the lock-up for shelter. I have no book of record of those persons. I keep no statement of sick persons when they are received or dismissed. Since I have been there no justices have visited the lock-up, except the day yourself and Mr. Walton were there. The churchwarden, Mr. M'Kenzie, is the only party who visits the lock-up. There was a man named Thomas Williams who came there for shelter as a sick man. You inquired who sent him there; I told you the rector. At that time he must have been there 12 or 15 days. When you came it was the 6th May. The man was lying down on the seat of the privy; he had been there about five days. You inquired why he was there. I told you I had prisoners, and nowhere else to put him, and he said he would go in there. He eat there, he drank there, he remained there altogether, but not until his death. The privy is a large one, built of brick, floored with pitch pine; a brick roof; no windows in it. There is no ventilation except through the seat of the privy and by two chimneys. It has not been cleaned since I have been there; it appears to have been cleaned out when it was last repaired, I think about the commencement of last year. Other parties went there while he was there. Thomas Williams was not confined he might have gone all over the bay if he liked, if he could have walked. I can't say if the man was exposed or not in the privy. I did not follow him there. The man himself told me he had received a shilling from the rector. Williams walked to the lock-up himself. Previous to his coming I received a message from the rector that he was going to send a man to me. The man was then able to walk; he walked about for a few days, all outside. He went out and bought things, and brought in and cooked, for about three days; it was ground provisions. A few days after he complained that he had not anything, and I gave him a portion of my own food. I went to Mr. M'Kenzie's son on a Saturday. I asked him if the rector had given him any order to give something for the man. He said no; but I saw he wanted for nothing. I then went to the rector, and he gave me a note to Mr. M'Kenzie's son. The man had been in the lock-up then about nine days. I generally gave him a portion of my food. When he was in the privy the boy I had gave him the food; he always eat his food. I gave him food twice a day. I gave him water. Mr. M'Kenzie, the churchwarden, gave him a suit of clothes. This was after the nine days. On Saturday I bought beef for him, and during the week also, fresh. Sometimes the man complained of the ground provisions being too hard for him, and I gave him pap-corn meal. Mr. M'Kenzie gave me 3 *s.* for him. I spent it on him. Up to the time you visited the lock-up he had been there some 10 or 15 days. During that time the rector and the doctor came there. This was about three days after you visited the lock-up. The man was very sick. The doctor found him in the privy. There is no lock on the door of the privy; the door was not closed, except when he closed it himself at night. The privy smelt strong; there was a bad stench. His health fell off while he remained in the privy. The rector said he would send him to the hospital by the first boat he could get. The doctor did not say anything to me or the man. After I got the lock-up clear of prisoners I removed Williams into the lock-up, where he died. He was buried in a coffin supplied by the churchwarden. No inquest was held on him. I informed the churchwarden of his death. He was not visited by the churchwarden during the time he was in the lock-up. He died on a Saturday, in the month of May last. This was about two weeks after you visited the lock-up. There was an attempt made to send him to Kingston to the hospital, the very day he died. I received two letters from the rector, one to Mr. Paterson, to get a

passage

passage for him, as there was a boat leaving; the other letter was to go along with him. He had no medical treatment during the whole time he was in the lock-up. Can't say who buried him. He was about 39 or 40. He was a yellow skinned man. I believe he was a creole. He was never visited by any clergyman in the lock-up. You found fault with me for the condition of the lock-up. I told you I had no broom to sweep out the place. It is swept out although I have no broom given to me. The lock-up was offensive that day, because there had been people in there during the week. All male prisoners are locked up in one room. There are no vessels provided for the people at night; they relieve nature on the ground. They can go to the privy if they call me. They remain all night with the deposits on the ground, sometimes 10 together in that way locked up. I have never been called until about two weeks ago by one person. In the morning I order the prisoners to clean out the room, and they do so. The place is always damp and disagreeable. I should say unhealthy. The offensive state of the lock-up is occasioned from that cell and the privy. The lock-up was never whitewashed during the time I was there, and up to the time you came there, nor had any lime been thrown into the privy up to that time. I never applied for any lime. Sometimes female prisoners are in the lock-up; they have an apartment up-stairs; they go through my room to their apartment. I have been without prisoners for a week. I have had as many as 10 at one time, but only for a night. There are no prisoners in the lock-up now. I don't get a written order from the magistrates. I told Mr. Gordon that the rector sent Thomas Williams to the lock-up for shelter. I don't remember your speaking to Williams; I don't remember your speaking to Williams at all. I was there the whole time. Williams came in very sick, all swollen. Williams remained for two weeks after Mr. Gordon saw him. Mr. Gordon did not afford the man any relief. I received 2 *s.*, besides the 3 *s.* from the churchwarden. I considered it the churchwarden's business to look after the man. The rector sent the man to be cared for to the lock-up. Williams received 6 *s.* in all for his support. I applied to the churchwarden for tubs, and he gave me me some pans; he gave me money to buy barrels to make tubs, but I used the barrels to hold water. The upstairs, where the females are put, were empty. The first week Williams came there he was in such a bad state I could not put him up stairs. Prisoners cook for themselves.

William Alvarenga, sworn.—I am an inhabitant of this town for the last eight years. I know the lock-up. I was there on the 6th May last. I paid particular attention to it then, and I knew it previously. A great deal has been done to it since; it has been twice whitewashed. When I first went there it was very offensive; I could not go into the room, it was so offensive; it was not a place fit for a sick man, or even for prisoners. I observed a man there named "Thomas Williams" in the privy. I did not go to him. I saw him eating in the privy. I should not like to have gone into the place, as it was very offensive. I asked the keeper of the lock-up why the place was so offensive. He said because the churchwarden would not allow him tubs for the use of the prisoners to ease themselves in, and they were obliged to ease themselves on the floor.

Mr. Gordon tendered the following witnesses to prove the past condition of the lock-up, and other matters connected therewith, viz.:—

J. R. Richards.	Thomas Williams.
Geo. M'Intosh.	Thomas Francis.
Sergeant Munro.	Edward Burrell.
Corporal John Roberts.	Wm. Mitchell.
Policeman Irving.	Charles Sullivan.
William M'Cornock.	

(signed) *A. Barclay*, Custos.

Resolved, That the justices, having this day met in special sessions, according to advertisement, have taken evidence in the several matters, and have themselves examined the "lock-up," and find it a very good one for the purpose, and have arrived at the conclusion, from the evidence, that the charges made by Mr. Gordon against the rector are totally unfounded; they also find that there is a gaol for debtors, if put into the keeper's hands, with documents from the proper authorities. They herewith transmit the evidence taken, signed with the initials of the following justices:—

A. B., for Alexander Barclay, Custos.
M. A. B. V. K., for M. A. Baron Von Ketelhodt.
W. P., for William Paterson.
J. H., for John Hinshelwood.
J. F. G. D., for John F. G. Damers.
J. W., for John Walton.
W. P. C., for William P. Coles.
W. S., for William Smith.
G. B. S., for Geo. B. Smith.
B. B. S., for Benjamin B. Sherwood.
D. C. M'K., for Duncan C. Mackenzie.

(True copy of the Minutes of the Special Sessions, 3d July 1862.)

(signed) *Edward Charles Mowat*,
Clerk of the Peace, St. Thomas-in-the-East.

Then follows copy of a letter from Mr. Gordon to Mr. Austin, dated Kingston, 5 July 1862, which will be found printed at page 11.

Enclosure 3, in No. 2.

Encl. 3, in No. 2.

STATEMENT by Mr. *Barclay*.

1. What is the name of the lockup?—The Morant Bay Lock-up.

2. Name of lock-up keeper?—Nathaniel Munro.

3. By whom appointed?—By the justices and vestry.

4. Under whom is the lock-up managed?—Under the justices.

5. By whom are requisites for the lock-up supplied, and from what fund paid?—By the churchwardens, and from the parochial fund.

6. What control is there over the parties who manage the lock-up, and how and by whom can it be exercised?—The justices.

7. Have the police anything to do with the lock-up?—Only in so far as lodging prisoners there temporarily for safe custody until bailed or committed to the prison for trial.

(signed) *A. Barclay*, Custos,
St. Thomas-in-the-East.

24 July 1862.

— No. 3. —

No. 3.

Lieut. Governor Eyre to the Duke of Newcastle, K. G.
7 August 1862.

(No. 56.)

COPY of a DESPATCH from Lieutenant Governor *Eyre* to his Grace the Duke of *Newcastle*, K.G.

King's House, 7 August 1862.

My Lord Duke, (Answered, No. 490, 5 September 1862, page 37.)

22 July 1862.

I HAVE the honour to transmit a further letter from Mr. George William Gordon, addressed to your Grace.

2. Mr. Gordon complains that I did not furnish him with a copy of the report from the special session of justices, or of the evidence taken before them. It was not my duty to supply them. Mr. Gordon could, if he had chosen, have himself obtained copies from the clerk to the magistrates in the usual manner.

3. Mr. Gordon complains that the tribunal before which the investigation was made was not a proper one. It is the one provided by law (20 Vict. c. 11, s. 20).

4. I do not feel that any other point in Mr. Gordon's communication requires further comment from myself, but I may state that since I last addressed your Grace I have learnt, that so recently as February of this year Governor Darling had directed Mr. Gordon to be superseded as a magistrate for improper conduct, but for some cause or other the writs of supersedeas were not issued. Of this previous misconduct I was not aware when I wrote my former Despatches, announcing that I had myself found it necessary to supersede Mr. Gordon. I append a copy of Governor Darling's letter, and of the extracts from the Morant Bay prison (this is not the lock-up) books, upon which it was founded.

Mr. Austin to Mr. Gordon. 14 Feb. 1862.

Extract from Morant Bay Prison Books.

5. It is only necessary for me to add, that I believe Mr. Gordon to be a most mischievous person, and one likely to do a great deal of harm amongst uneducated and excitable persons, such as are the lower classes of this country. His object appears not to be to rectify evils where they exist, but rather to impress the peasantry with the idea that they labour under many grievances, and that their welfare and interests are not cared for by those in authority. Had his object been simply to remedy certain evils or irregularities which he found existing at a country lock-up, he might easily have done so, without reference to the Executive, as one of the justices of the district under whose sole management and control, in conjunction with the churchwardens, the lock-up at Morant Bay was vested.

6. So also with regard to the unfortunate sick man who was sent there for shelter. Mr. Gordon finds fault with every body else, but did not himself, when personally present, and noticing the condition which he alleges to have been so destitute, afford any relief, or take steps to secure its being afforded by the parochial authorities.

I have, &c.
(signed) *E. Eyre.*

His Grace the Duke of Newcastle, K.G.,
&c. &c. &c.

Enclosure 1, in No. 3.

To His Grace the Right Hon. the Duke of *Newcastle*, Secretary for the Colonies, &c. Encl. 1, in No. 3.

May it please your Grace, Jamaica, 22 July 1862.

IT appears that my last letter, under date 14th ultimo, was not duly forwarded to your Grace by the Lieutenant Governor. Since then a special session of the peace has been called, and which was of an extraordinary character, the particulars of which it will be my duty to solicit the attention of your Grace in due form in my next. I am unable to do so to-day, as the Lieutenant Governor did not furnish me with a copy of the report or evidence on which it was (or ought to have been) based, but proceeded in the most summary and arbitrary way to remove me from all my commissions of the peace, and that, too, without allowing me any opportunity of explanation, as it would appear, before he obtained a copy of the proceedings, and which proves that he prejudged the case; and also your Grace will find that the tone of the Despatch to me of the 8th instant was undignified, and of an offensive character, and, I humbly submit, not such as a case so serious ought to have been officially dealt with.

It will be my duty to bring to your Grace's notice the facts of the case.

1st. That the evils complained of did exist.

2d. That the evidence, so far as any was taken, and to which, if forwarded by the Lieutenant Governor (and it should be so) I beg to refer your Grace, bears out my assertion.

3d. That the case was not duly heard, and therefore no decision could be come to, and there was no evidence on which to censure me.

4th. That the unfortunate man Thomas Williams was buried without any inquest being held.

5th. That a special session of the peace, in which the conduct of the justices composing it might to some extent be implicated, was not a proper tribunal to which the matter should have been referred for investigation.

6th. The custos of the parish, to whom my statements had been referred previously by the Lieutenant Governor, and who it then appeared had already given a biassed report, acted as chief judge on the occasion, and which I humbly submit was not proper.

7th. The Baron Ketelhodt, a member of the Executive Committee, who I learn had also previously taken part in the matter at the King's House, not only associated himself with Mr. Custos Barclay, but also very indelicately and improperly took part in the proceedings and prejudiced the minds of others, and that the report drawn up was incorrect, not being based on the facts of the evidence, and was not unanimously adopted in court, nor then fully drawn up.

I therefore humbly submit that the proceeding of the Lieutenant Governor in removing me from the commissions of the peace is precipitate, unwarranted, and oppressive, and I pray that your Grace may be pleased to give the matters that attention which the case demands, and enable me to have a fair hearing, which as an English subject, I trust am entitled to; and it is due to my Sovereign, and the dignity of Her Crown, that gross and serious abuses should be fully inquired into, and I shall then have full confidence that your Grace will find no grounds for the deprivation of my commissions. I have for upwards of 18 years faithfully and honestly performed the functions of a magistrate, and I trust it will be the pleasure of your Grace, after due inquiry, to grant such redress as the case may be found to warrant.

The state of the prisons at Morant Bay was such as to require attention, and I shall be able to explain and afford good reasons for any statements which may be attempted to be made against me. I have only endeavoured faithfully to maintain my duties as justice of the peace, and to protect the claims of suffering humauity, with the highest respect.

I have, &c.
(signed) *George W. Gordon.*

P. S.—I have learnt since through Mr. Austin, Governor's Secretary, that my letter of the 14th ultimo was forwarded.

G. W. G.

Enclosure 2, in No. 3.

Mr. *Austin* to Mr. *Gordon*. Encl. 2, in No. 3.

Governor's Secretary's Office,
Sir, 14 February 1862.

I AM desired by the Governor to acquaint you that he has had before him copies of the several orders entered by you in the justices visiting book of the Morant Bay District Prison on the 5th February instant.

2. I am to observe to you that in giving those orders you have usurped the prerogative of the Crown, the powers of the Governor in Privy Council, and those of the visiting

justices of the prison, and you have induced the superintendent of the prison to commit a dereliction of duty for which his just punishment would be immediate removal from office.

3. Your conduct appears to his Excellency to exhibit such an unwarrantable assumption of authority, and such extreme ignorance of your proper functions as a magistrate, as to render it inexpedient that you should be any longer intrusted with those functions, and his Excellency therefore feels it his duty to supersede you in the commissions of the peace for the several parishes in which your name is at present included.

I have, &c.
(signed) *Hugh W. Austin,*
Governor's Secretary.

G. W. Gordon, Esq., Kingston.

MORANT BAY PRISON.

Extracts from Justices' Visiting Book.

Morant Bay District Prison, 5 February 1862.

"Sailor." I ORDER that Charles Stanley Wilson * be immediately sent per first opportunity to public hospital, Kingston. A letter left for house surgeon.

(signed) *G. W. Gordon,* J. P.

Ex Patrica Cop Laby, of London.

Ordered, that the cesspools, which have not been emptied for four or five years, and are now very offensive, be at once attended to, and that the superintendent do immediately get this done, and that he render his account to the proper authorities.

5th February 1862. (signed) *G. W. Gordon,* J. P.

A book of record of each prisoner's commitment, offence, country, age, colour, sex, and religion, be kept for the future.

5th February 1862. (signed) *G. W. Gordon,* J. P.

The condition of the prison is creditable to the superintendent, Mr. R. M'Pherson.

5th February 1862. (signed) *G. W. Gordon,* J. P.

There having been hitherto nothing but salt fish allowed for the use of the prisoners, even in case of sickness, unless by order of the surgeon,

Ordered, that in future a supply of fresh beef be procured once a week at least.

5th February 1862. (signed) *G. W. Gordon,* J. P.

I desire that a copy of the foregoing orders be sent to the proper quarter with next report of the prison.

5th February 1862. (signed) *G. W. Gordon,* J. P.

The religious services of the prison requires to be considered.

5th February 1862. (signed) *G. W. Gordon,* J. P.

— No. 4. —

No. 4.
Lieut. Governor Eyre to the Duke of Newcastle, K.G. 8 August 1862.

(No. 58.)

COPY of a DESPATCH from Lieutenant Governor *Eyre* to his Grace the Duke of *Newcastle,* K.C.

Flamstead, Jamaica, 8 August 1862.

My Lord Duke, (Answered, No. 496, 23 September 1862, page 40.)

SINCE closing my Despatches and returning to the country, I have received a communication from the Baron Von Kettelhodt, which I have the honour to enclose, in reference to Mr. Gordon's case.

Baron Von Kettlehodt to Mr. Austin, 7 August 1862.

Minute by Baron Von Kettlehodt, dated 31 May 1862.

2. The previous correspondence will have placed before your Grace substantially the information contained in the Baron's letter, excepting the fact that the large number of 11 magistrates out of 13 entirely concurrred in the view taken of Mr. Gordon's conduct.

3. The Baron's Minute of the 31st May will entirely exculpate that gentleman from the reflections cast upon him by Mr. Gordon, as well as show that there

was

was every desire on the part of the Executive to afford Mr. Gordon all fair opportunity of explaining his conduct, or of expressing his regret for it if unable to explain it.

I have, &c.
(signed) *E. Eyre.*

His Grace the Duke of Newcastle, K. G.,
&c. &c. &c.

Enclosure 1, in No. 4.

The Baron *Ketelhodt* to Mr. *Austin.*

Encl. 1, in No. 4.

Sir, Spanish Town, 7 August 1862.

I BEG to acknowledge your communication, No. 974, of the 28th July, enclosing for my perusal and report, if I have any remarks to make on it, a letter from Mr. G. W. Gordon addressed to his Grace the Secretary of State, as I am prominently referred to in Mr. Gordon's letter.

In returning this letter herewith, I beg to observe that the part which I am alleged by Mr. Gordon to have taken previously in this matter consisted in this, that having been consulted by his Excellency the Lieutenant Governor as to the course it might be proper to pursue in reference to Mr. Gordon, I recommended to his Excellency by a minute in writing, to which I beg respectfully to refer, to afford to Mr. Gordon an opportunity of explaining conduct which, from an inquiry instituted by his Excellency's direction by the custos of St. Thomas-in-the-East, and from his report thereon, appeared in his Excellency's estimation to lay Mr. Gordon open to the serious charge of having been actuated by malevolence, and being guilty of such wilful misrepresentation as would make him unworthy any longer to hold Her Majesty's commission of the peace.

His Excellency was pleased to act on this recommendation, and as Mr. Gordon, in reply to the communication addressed to him by you, inviting such explanations as it might be in his power to give, adhered to the charges made by him, and averred that he was prepared to prove their truth, the Honourable Mr. Smith and myself having thereupon been consulted by his Excellency, I jointly with him advised that Mr. Gordon should be allowed the opportunity to establish the truth of his charges before the tribunal pointed out by the 20th section of the 20th Victoria, chapter 11, before which, and in accordance with the method there prescribed, it would have been the duty of Mr Gordon as a justice of the peace in the first instance to lay and substantiate them.

Mr. Gordon in his letter to his Grace further objects that at the sessions of the peace held in consequence of the directions issued by his Excellency to the custos of St. Thomas-in-the-East, I "not only associated myself with Mr. Custos Barclay, but also very indelicately and improperly took part in the proceedings, and prejudiced the minds of others." In reference to this passage, I have to remark that in associating myself with the custos and the magistrates, and taking part in the proceedings in my capacity of magistrate for Saint Thomas-in-the-East, it could not occur to me that I would lay myself open to the charge of acting indelicately and improperly, as both my predecessors, as members of the Executive Committee in the Legislative Council, namely, Sir Bryan Edwards and the Honourable George Price, as well as all the other past and present members of the Executive Committee, have invariably continued to act as custodes and magistrates in their respective parishes. Nor did Mr. Gordon discover any indelicacy in my association with Mr. Custos Barclay, and the magistrates, until when the issue of the proceedings became known to him, as, so far from raising any objection, he not only in his opening address, but subsequently also, in the course of the proceedings, took occasion to express the great gratification he felt at seeing me on the bench.

I do not feel called upon to offer any remarks on the other allegations of Mr. Gordon, in reference to the proceedings themselves, beyond the following:—

1st. That the utmost, I may say a very unusual, latitude was allowed to Mr. Gordon.

2d. That the decision of the magistrates, in which, so far as I can recollect, 11 out of 13 magistrates present have expressed their concurrence, was arrived at after a fair and full investigation on the points which they considered to have been submitted to them for inquiry, an investigation which lasted six hours and upwards.

3d. That no evidence that could at all bear on the points referred to was declined to be received by the court of special sessions.

I have, &c.
(signed) *Max. Aug. Baron Von Ketelhodt.*

Hugh W. Austin, Esq.,
Governor's Secretary.

Enclosure 2, in No 4.

Encl. 2, in No. 4.

MINUTE.

I ENTIRELY concur in the sentiment of his Excellency the Lieutenant Governor, that a magistrate, guilty of wilful misrepresentation, ought to be removed from the commission. I am also of opinion that the accusation against the rector, when he had the means at hand of satisfying himself about its correctness, has every appearance of being the result of malevolence, and may, unless explained, justly be considered as such a wilful and gross misrepresentation as would make him a disgrace to the commission. Mr. Gordon's mode of procedure, in this regard, as well as in regard to the numerous other charges he makes, was moreover entirely irregular.

As a justice of the peace for the parish of St. Thomas-in-the-East, it was his duty, if he discovered any abuse in the prison, agreeably to the 20th section of the 20 Vict. c. 11, to report such abuses, in writing, to the custos, whose duty thereupon it would have been to summon a special session of the peace, in order to investigate the charges. Instead of adopting this course prescribed by law, which would have afforded the opportunity of proving his accusations, or of having them openly disproved, Mr. Gordon lays a sort of general indictment against things in St. Thomas-in-the-East in general, and against the rector in particular, before the Governor, who, after instituting such inquiry as he might think proper, on being satisfied that Mr. Gordon's charges were marked with exaggeration and even amounted to wilful misrepresentation, would be quite justified to remove him at once from the commission. At the same time I am of opinion that, before the issue of a writ of supersedeas (which would, of course, not be confined to the parish of St. Thomas-in-the-East, but extend to the four or five other parishes for which Mr. Gordon holds commissions of the peace, and which would most seriously affect him in his position in the country), an opportunity should be offered to him of explaining his conduct. I should therefore recommend that his Excellency ask Mr. Gordon whether he has any explanation to offer, tending to clear himself from the imputation now weighing upon him, of having been guilty of misrepresentation in a matter where he had the means at hand of obtaining the fullest information, and to advise him that if his explanation shall not prove satisfactory, his Excellency cannot consider him a fit person to remain in the commission, from which, in that case, he will be forthwith removed.

I have, &c.

31 May 1862. (signed) *M. A. Baron Von Ketelhodt.*

— No. 5. —

No. 5.
Lieut. Governor Eyre to the Duke of Newcastle, K.G.
9 August 1862.

(No. 59.)

COPY of a DESPATCH from Lieutenant Governor *Eyre* to His Grace the Duke of *Newcastle*, K. G.

King's House, 9 August 1862.

My Lord Duke, (Answered, No. 498, 25 September 1862, page 40.)

7 May 1862.
* Page 3.

I HAVE reason to believe that through some inadvertance in my office a letter from Mr. George William Gordon, dated 7th May 1862, which ought to have accompanied my Despatch, No. 41,* of the 8th July 1862, was not attached to it.

2. Should this be so I can only express my regret at the omission which has occurred, and endeavour to rectify it by now transmitting another copy.

3. It is scarcely necessary for me to express my conviction of the utter untruthfulness of Mr. Gordon's virulent and wholesale denunciation of the clergy of Jamaica, whom he declares to be, "with some here and there exceptions, the most immoral men in this country."

4. Indeed the chief object of Mr. Gordon in addressing your Grace appears to have been to vituperate the clergy of the Church of England, and by way of illustrating his subject, enclosing a copy of a letter which he had addressed to myself in reference to "the conduct of one of the rectors towards a poor unfortunate fellow-creature," and upon which charge, when proved to be not only unfounded but to have been made with full knowledge that it was unfounded, I considered it my duty to remove Mr. Gordon from the Commission of the Peace, as already notified to your Grace.

I have, &c.

His Grace the Duke of Newcastle, K.G., &c. &c. &c.

(signed) *E. Eyre*,
Lieutenant Governor.

Enclosure in No. 5.

Encl. in No. 5.

To His Grace the Duke of *Newcastle*, K. G.

May it please your Grace, Jamaica, 7 May 1862.

I HOPE the intrusion on your valuable time may be excused, the subject which causes it being one of importance as affecting the condition of a considerable part of Her Majesty's subjects in the West Indies, over whom Providence has at present placed you as the protector, and in whose interest your Lordship no doubt feels peculiar interest as a people from the cruelties and enormities of their late state of slavery. When the projectors of the great and glorious enterprise of negro emancipation had so acted on the Christianity and minds of the British people as to cause a sacrifice of 20 millions of treasure to be paid as the price of that freedom to which every one by nature is entitled, a great work was done. British honour was redeemed before God and man, and to a great extent the wrongs of humanity were redressed. Most of those whose labours, conflicts, and prayers achieved this benevolent act have ceased from their labours, and "their works do follow them."

2. But it now seems as if the cause of truth and righteousness have to some considerable extent become standard, at least in the public mind of great England.

3. In the campaigns of oriental and continental conquests the claims of the West Indies seem to have been overlooked. This is not less depicted in the low state of the majority of the inhabitants of Barbadoes, including those of European cast, than in the actual miseries of Jamaica; but it is my duty only at present to deal with the latter.

4. Since the period of emancipation had there been even one or two public colleges in the island, and a moderate attention paid to the instruction of the young in grammar and elementary schools, there would have been results correspondingly beneficial to the great boon of liberty. Our island has been and is yet governed by parties inimical to the progress of society, and whose only desire seem to be to produce by brute force sugar and rum at any cost, and which could be better done by that intelligence which they now try to beat down, and to hinder the gradual but solid improvement of the population, and hence it is that Jamaica is now so low as it is. Hence it is that so much misery and dissatisfaction exist in a land so fruitful and beautiful. Hence it is that the population has not naturally increased in corresponding proportion. Hence it is no vigorous signs of civilization exist in our midst, and that the value of property may be said to be only nominal.

5. Hence it is that a clergy bill exists, at an annual expense of little under 30,000 *l.* per annum, to support men in offices as clergymen, but who, in reality, are pen-keepers, planters, miners, and otherwise are to a considerable extent (with some here and there exceptions) the most immoral men in this country, and whose example is exceedingly injurious and lowering to the inhabitants generally; while, from the loose principles of the characters said to be under their charge, the influence is exceedingly destructive to the well-being of the island, and limits the heartfelt spirit of grace.

6. Were it not for the great efforts of the Wesleyans, Baptists, Presbyterians, London Missionaries, and other independent religious denominations, still more dark and dismal would be the condition of the island. And by way of illustrating what our Government is, and also the conduct of one of the rectors towards a poor unfortunate fellow-creature, I have respectfully to submit to your Grace the accompanying copy of my letter to his Excellency our newly appointed Lieutenant Governor.

7. I pray that it may please your Grace to take such notice of it as may in your wisdom be considered necessary.

8. Your Grace will not wonder if the people of this island show an anxious spirit; I beg to assure your Grace that they are a dutiful and loyal people, who suffer long, and may God grant your Grace a right judgment in this matter, and sustain your heart in benevolence and love.

I have, &c.
(signed) *George W. Gordon.*

— No. 6. —

(No. 63.)

No. 6.
Governor Eyre to the Duke of Newcastle, K. G.
21 August 1862.

COPY of a DESPATCH from Governor *Eyre* to His Grace the Duke of *Newcastle*, K. G.

King's House, 21 August 1862.

My Lord Duke, (Answered, No. 497, 23 September 1862, page 40.)

I HAVE the honour to transmit another letter from Mr. G.W. Gordon, addressed to your Grace, dated 6th August 1862. 6 August 1862.

2. This communication came under cover in a letter addressed to the Governor's secretary, and was only received on the 8th August, after the mails for England were closed.

24 July 1862. 3. I take this opportunity of appending copy of a circular which I caused to be addressed to the custodes of all the parishes, on the subject of visiting and inspecting the lock-ups or other places of confinement in their various parishes;

9 August 1862. also copy of a letter from the Custos of St. Thomas-in-the East, notifying that the deficiencies existing at the lock-up at Morant Bay had been supplied, and stating that such deficiencies had never been brought to his notice prior to the investigation held on the 3d July.

I have, &c.
(signed) *E. Eyre.*

His Grace the Duke of Newcastle, K.G.,
&c. &c. &c.

Enclosure 1, in No. 6.

Encl. 1, in No. 6. To his Grace the Right Hon. the Duke of *Newcastle,* Secretary for the Colonies, &c.

May it please your Grace, Jamaica, 6 August 1862.

SINCE I last had this honour, I have received a copy of the evidence and report in the case of the late special session at Morant Bay, and it is my duty to express my regret that the Lieutenant Governor did not do me the common justice, as is customary, to forward a copy of the evidence and report, to ask for explanation before he proceeded to condemn me. I feel that the Lieutenant Governor acted before the evidence was transmitted, and as it were by anticipation, and without having received any further explanation from me, and that the whole proceedings are wrong and disgraceful, but more so the letter, in the shape of a report, of the 4th July, of Mr. Custos Barclay to the Lieutenant Governor's secretary, and on which it appears action was taken. Your Grace will not fail to perceive that the report is a flagrantly unjust one, having no shadow of truth, and is contrary to evidence, on which alone (as any legal authority will pronounce) it should have been based, and I humbly submit that parties who could act in this way destroy the respect which is due to English rule and the constitution of the country, and tend to abrogate the law, and abnegate the conventional rules of civilized life; and if acts of wrong and oppression be in such a barefaced manner practised towards me what chance (as it is too often the case) has any of the humbler classes before a court composed of such justices as are parties to the report now under consideration, and what respect or confidence can be placed in such a member of the Executive Committee as Baron Ketelhodt, who so improperly conducted himself, and by his undue interference prejudiced others in the proceedings, and then subsequently adopting a report which was entirely at variance with the facts of the case, and which no doubt was intended for party purposes and to mislead the Lieutenant Governor, this must at least be a dangerous adviser.

Such is the painful, yet truthful state of Jamaica government, and I do humbly submit that great wrongs exist, and that the people of this country have many grievances of which to complain and require early remedy.

I impugn the report on various grounds:—

1st. As being diametrically opposed to the facts of the evidence, and that it should have been referred back for reconsideration. The Lieutenant Governor should have judged of the evidence itself and seen the false position in which the report adroitly laboured to put matters before him, and that such a proceeding was highly discreditable to those concerned, and to the good government of this Her Majesty's island.

2d. The report states that I had every scope and latitude in my endeavours to establish my charges, and that I utterly failed to do so. This is most untrue, and appears premeditated. I was not even allowed to open my case, and give the reasons which induced me to acquaint the Lieutenant Governor of the state of matters. I had hardly begun to speak when Baron Ketelhodt got up and took his hat, and said they did not come to be sermonized on the duties of magistrates; then, in order to get on, I at once went into the dry facts of evidence, calling on the rector and the lock-up keeper to give testimony; and your Grace will perceive by the evidence of these parties in what a wretched state matters were, and that I fully substantiated my case, and even more was proved, for the rector bestowed no care temporarily or spiritually on the unfortunate man; and further, I have had proof tendered to me to show that Thomas Williams was buried, not by the clerk of the church, as sworn by the rector, but by the keeper of the churchyard, a man living immorally; and further, that although I had 11 remaining witnesses to be examined, the justices would not hear them, and Baron Ketelhodt moved an adjournment, which was carried; it is therefore a flagrant untruth to assert that I had full scope and latitude. I feel oppressed that such a statement could have been ventured after

what

what took place, and it convinces me that there is neither honour nor truth in those who were parties to these unjust proceedings.

3d. The condition of the lock-up on the 3d July was not the question, but what it was on and before the 6th May.

4th. I did not report the unfortunate man as a prisoner, but stated he was sent to the lock-up by the rector, and which the rector himself fully proved.

5th. With reference to the motives which induced the rector to send the sick man to the wretched lock-up, I have nothing to do. His subsequent neglect of the man, and his general answers, speak for themselves. According to my feeling and instincts of humanity an unclean prison was not a proper asylum to deposit a sick man, and the privy of that prison was the most unfit place to put him. I cannot reconcile all this to motives of humanity, for under such a plea any enormity may be shielded. The evidence of bodily and spiritual neglect of the unfortunate man exhibit a contempt of Christian duty, the responsibility of which is great before God and man.

6th. It is not shown where the gaol for prisoners is, nor who is the gaoler, and yet the report states that there is a gaol for debtors. Such a mockery of serious business is truly deplorable, and I can hardly yet bring myself to believe that I live under English rule in Jamaica. The report states that the churchwarden did all he could in reason to relieve the man; the evidence is, that the churchwarden never visited the lock-up during the the whole time the man was there.

Under the circumstances, I humbly hope it will be the pleasure of your Grace to order such steps as may seem proper, in order that justice may be established and wrongs redressed.

I learn that extraneous statements may be attempted to be made, but I beg to assure your Grace that I am free from any just imputations. It is now nearly 19 years since I was first appointed to a commission of the peace; I have, during this long period, served Her Majesty faithfully, and I trust satisfactorily; and in no case, whether I sat as senior justice or assistant, has any charge been made against me; on the contrary, I have, I may humbly say, always gained the satisfaction of the bench, as well as the parties concerned.

The attempt to remedy evils has roused a host of opponents here among those who look back to the dark days of slavery, and who seem inimical to free institutions, and hence it is that Jamaica remains in so deplorable a state. With the highest respect,

I have, &c.
(signed) *Geo. W. Gordon.*

P.S.—If I had said anything improper against the rector, he would have had his remedy at law against me, and the Lieutenant Governor was not called on to become his champion.

G. W. G.

Enclosure 2, in No. 6.

(Circular.)

Encl. 2, in No. 6.

Governor's Secretary's Office,
24 July, 1862.

Sir,

I AM directed by the Lieutenant Governor to state that it having come to his knowledge that in some places the "lock-ups," or other places for the temporary confinement of prisoners, in the several parishes have not been visited for considerable periods of time, and that, in consequence thereof, occasional irregularities have arisen in their management, his Excellency would be obliged by your calling the attention of the justices in your parish to the importance of making frequent visits, at uncertain intervals, to inspect every place used for the confinement of prisoners within your parish, and to ascertain that such places are properly kept, and are adequately supplied with such requisites as may be necessary, calling the immediate attention of the authorities under whom the establishment or establishments are managed to any defects of management or deficiency of supplies which may come under the notice of such justices.

2. I am to add, that it is only by a zealous and persevering attention on the part of custodes and magistrates to this important duty that the proper management of the establishments can be hoped for, or the occurrences of those irregularities and abuses obviated which, if allowed to take place, justly bring public discredit and odium on the districts where they occur, as well as upon the justices through whose intervention they might have been prevented.

3. His Excellency feels assured that he has only to bring this important subject to the notice of the magistrates to ensure their earnest and willing co-operation in carrying out the objects stated.

I have, &c.
(signed) *Hugh W. Austin,*
Governor's Secretary.

To his Honour the Custos of

Enclosure 3, in No. 6.

Encl. 3, in No. 6.

Mr. *Barclay* to Mr. *Austin*.

Sir, Treasury, 9 August 1862.

I HAVE had the honour of receiving your letter of the 6th instant, No. 1003, to which I beg to offer the following remarks, for the information of his Excellency the Lieutenant Governor.

2. The want of night utensils in the lock-up at Morant Bay was never brought to my notice; the first I ever heard of it was at the special sessions of the 3d ultimo, when brought forward by Mr. G. W. Gordon's examination of one of his witnesses in a way to make the most of it. The want, as soon as known, was remedied, and instructions given to have the entrances into the female cell altered.

3. It is needless for me to go into further details, as I have herewith sent in my resignation of the custos-ship, and his Excellency will be able to appoint some fit person on the spot able to afford more full information than it is in my power to do.

I have, &c.
(signed) *A. Barclay.*

— No. 7. —

No. 7.

Governor Eyre to the Duke of Newcastle, K.G.
8 Sept. 1862.

(No. 80.)

COPY of a DESPATCH from Governor *Eyre* to His Grace the Duke of *Newcastle*, K. G.

King's House, Spanish Town,
8 September 1862.

My Lord Duke, (Answered, No. 505, 13 October 1862, page 41.)

4 Sept. 1862. Memorial.

I HAVE the honour, at the request of a Mr. March, to forward a letter addressed by him to your Grace, enclosing a memorial to Her Majesty the Queen, emanating from a so-called public meeting at St. Thomas-in-the-East.

8 Sept. 1862.

I also transmit a copy of my reply.

2. The memorial is signed by a Mr. Clyne, as chairman of the meeting, but no other signatures are attached, nor is there anything to show how many individuals the meeting represented, or of what class, character, or influence.

3. The signature of the chairman may, I think, fairly lead to the presumption that it was a meeting of the lower and uneducated classes, and the absence of all other names to the assumption that it was neither a very numerous or influential meeting, although the population of the parish is stated in the resolutions attached to the memorial to be 26,000.

I am also aware that the custos of the parish declined to convene a public meeting at the request of the parties who have got up the memorial.

4. The letter enclosing the communication to your Grace having only reached me this morning, and the mail closing this evening, I am unable to make any inquiries, or furnish any report relative to the meeting or the parties attending it.

No. 41, of 8 July 1862, p. 3.
No 52, of 24 July 1862, p. 9.
No. 56, of 7 Aug. 1862, p. 18.
No. 58, of 8 Aug. 1862, p. 20.
No. 59, of 9 Aug. 1862, p. 22.
No. 63, of 21 Aug. 1862, p. 23.

As the whole question is, however, before your Grace in the various despatches named in the margin, there is the less occasion for any lengthened report now; but it may be as well to mention that the gentleman removed from the magistracy is a coloured person, and that the occasion has been taken, as I believe it generally is in Jamaica, to make the question one of colour, and enlist the sympathies of the lower orders on that ground.

For the same reason the press of the Colony, all the newspapers being under the editorship or control of coloured persons, has supported Mr. Gordon.

5. I ought perhaps to state that Mr. Gordon himself published most of the documents and other correspondence, but omitted all mention of his letter addressed to your Grace, under date 7th May (transmitted in my Despatch No. 63, of the 21st August), and which is indeed the key to his proceedings, and puts his own interpretation upon the scope and meaning to be attached to his letter to myself of the same date.

The existence of such a letter as that to your Grace, dated 7th May, being unknown to the memorialists or to the parties who discussed the question in the public journals, very erroneous views have been expressed of the merits of the

case,

case, and I have gladly availed myself of the opportunity which the presentation of this memorial offered, to correct some of the misapprehensions which have prevailed, and to state that the public has not the means of judging fairly from not having the whole case fully given.

6. I trust your Grace will not consider that I have transgressed the propriety of official etiquette in so far referring to a letter addressed to your Grace, when the object has been to disabuse the minds of the coloured classes of the lower order (always liable to be easily imposed upon by designing persons, and naturally very excitable) of an impression that a wrong has been done to them in the removal of Mr. Gordon, or that the Executive is indisposed to remedy abuses, both of which doctrines it is the policy of certain parties to inculcate for party purposes.

7. It does not appear necessary for me to make any further remark than that of calling attention to the fact that, although the improprieties shown to have existed at Morant Bay lock-up were of a disgusting kind, they were remedied as soon as brought to the notice of the custos, even before the meeting of the justices in special session, and that therefore there was no occasion for going further into them. The remedy might also have been applied much earlier, or by Mr. Gordon himself, if he had done his duty as a magistrate, whilst the Executive had no power or control in the matter. That there was great neglect of duty on the part of the magistracy generally, and of the churchwardens in particular, there can be little doubt, and I felt it my duty to express officially, through the custos of the district, my strong disapprobation of the apathy and neglect of all the authorities concerned.

Possibly the fact of the lock-up being only used for the safe custody of prisoners in passing up and down in charge of policemen, and not as a gaol for the detention of prisoners, may have been one reason why the attention of the magistrates was not given to the state of its management; this does not constitute any valid excuse, and it is much to be lamented that there should be any institutions of this kind in the country at all which are not directly under the control and management of the Executive.

I have, &c.
(signed) *E. Eyre.*

His Grace the Duke of Newcastle, K. G.,
&c. &c. &c.

Enclosure 1, in No. 7.

To his Grace the Duke of *Newcastle*, &c., &c. Encl. 1, in No. 7

May it please your Grace, Kingston, Jamaica, 4 September 1862.

I HAVE the honour to send inclosed a memorial, and annexed a copy of the resolutions passed at a public meeting held at Morant Bay, in the parish of St. Thomas-in-the-East, on Wednesday, the 27th of August last, and I am directed by the chairman of that meeting to request that your Grace will be pleased to have the same presented to Her most Gracious Majesty the Queen in the most acceptable way; and soliciting your Grace's kind attention to the matter.

I am, &c.
(signed) *W. Foster March,*
Secretary, Public Meeting.

Enclosure 2, in No. 7.

To Her most Gracious Majesty *Victoria*, Queen of Great Britain and Ireland, &c. &c. &c. Encl. 2, in No. 7.

The Memorial of your Majesty's most loyal and devoted subjects inhabiting the parish of St. Thomas-in-the-East, in the island of Jamaica, assembled in public meeting:

Showeth,

THAT we, the memorialists, in approaching your Majesty with feelings of most profound attachment and loyalty to your throne and government, pray that it may please the Great Giver of all good to add many years to that reign which has been characterised by

so much equity, justice, and good-will, and which stands forth with so much lustre before all nations.

We, your memorialists, beg most humbly to submit to the notice of your Gracious Majesty the present ill-regulated condition of this island, in the hope that it may please your Majesty to adopt such measures of redress as your Majesty in your wisdom may deem equitable.

It is now twenty-eight years since, that, under the influence of the English throne, the blessings of emancipation were conferred on the British West Indies; for blessings so great we desire to express the deepest feelings of gratitude to Almighty God, and trust we shall ever properly show our appreciation of the same. But, whilst we would gratefully recollect such valued blessings, we have yet great difficulties to encounter, and many improvements to make, before we can take that high position among nations which is fit and becoming every country under your Majesty's enlightened government.

Early after the Emancipation it was your Majesty's pleasure to direct the Governors of this Colony should be jealous of the condition of the mass of the population: this injunction of your Majesty of late seems to have escaped that attention it so well deserved, and the inhabitants generally, and more particularly of this parish, are consequently sufferers.

Your memorialists feel pained to state that one of your Majesty's most useful and honourable magistrates, George William Gordon, Esq., who has for a long period faithfully discharged the functions of his office, and in a way most creditably to himself, has lately been most improperly deprived of his commissions by the Lieutenant Governor, for simply, in the discharge of his duty, reporting the ill-treatment of a poor sick man named "Thomas Williams," placed in a lock-up prison, and also for mentioning the wretched way in which prisoners are treated when in the lock-up, and other prisons in this parish (and in others) which loudly call for great reform.

That your memorialists consider that the proceedings against Mr. Gordon were irregular, unconstitutional, and altogether unwarrantable; and that his removal from the magistracy is a wrong to himself and a grievance to the people; and that this conduct, as will be seen by the correspondence and evidence, if transmitted by the Lieutenant Governor to your Majesty's Secretary of State for the Colonies, is such as should have entitled him to approval and not to censure.

That the principles involved in this matter are serious to us as a people, and we pray that your Gracious Majesty may be pleased to institute an inquiry to remove the wrongs from which we are sufferiag.

We, the emancipated classes, and others, are glad for the opportunity of acknowledging most heartily and humbly our grateful recollection for the kind interest your Majesty has been pleased always to manifest, and trusting for a contiuuance of the same, we, your Majesty's most devoted and loyal subjects, as in duty bound, will ever pray.

(signed) *H. Clyne*,
Chairman, Public Meeting.

W. Foster March,
Secretary.

RESOLUTIONS.

At a large public meeting held at Morant Bay, on Wednesday, 27th August 1862, *Henry Clyne*, Esq., was called to the chair, and Mr. *William Foster March* was appointed Secretary by the Chairman.

1st.—Moved by W. H. Nichol, and seconded by Mr. George M'Intosh.

Resolved,—That this meeting deplores the long-neglected state of this parish, and the want of necessary institutions, and also existing abuses so prevalent, an exemplification of which has so recently been manifested in the late special sessions of the peace held at Morant Bay.

2d.—Moved by Mr. A. G. Mesquetto, and seconded by Mr. William Grant.

Resolved,—That this meeting, duly appreciating the great and important services rendered to the people of this country, and the obligations which the community in general, and especially this parish, owe to G. W. Gordon, Esq., for his manly and benevolent conduct in endeavouring to effect reforms, remedy abuses, and to maintain the cause of truth and justice, desire to tender to him their sincere thanks and gratitude for the same.

3d.—Moved by the Rev. Mr. Palmer, and seconded by Mr. G. B. Clarke.

Resolved,—That this meeting deeply regrets that the Lieutenant-Governor has removed G. W. Gordon, Esq., from the commissions of the peace for this and other parishes, and that the regret deepens because no proper cause can be shown for such a proceeding, and it is therefore unjust and oppressive; and this meeting fully testifies to the fact that the rector of the parish did send to the lock-up prison at Morant Bay the sick man, Thomas Williams, who was placed in the privy of that then most miserable place.

4th.—Moved

4th.—Moved by Mr. C. Sullivan, and seconded by W. M. Alvarenga.

Resolved,—That a memorial be prepared and signed by the chairman and secretary of this meeting, setting forth the foregoing resolutions, showing that Mr. Gordon has been removed from the commission of the peace for doing his duty, and the grievance felt under the circumstances by Her Majesty's humble, dutiful, and loyal subjects in this parish, and praying for such remedies as Her Majesty may consider the exigencies of the case requires; and also stating the fact that in this parish, containing upwards of 26,000 inhabitants, there is not a poor-house, hospital, or proper gaol for debtors; and showing, also, that up to the time of Mr. Gordon drawing attention, the neglected condition of the prisons, and the inhuman treatment of the destitute poor generally.

5th.—Moved by Mr. W. Smith, and seconded by Mr. W. Reefe.

Resolved,—That this meeting takes this opportunity of bearing testimony to the truth contained in Mr. Gordon's statements in his letter to Lieutenant Governor of the 7th May last, and that in the opinion of this meeting a special sessions of the peace of this parish, was a most improper court to which Mr. Gordon's charges should be referred, since the gentlemen forming that court were sitting on their own case, and therefore were improper persons to determine its merits, as was proved by their unseemly conduct on that day.

6th.—Moved by Mr. W. F. March, and seconded by Mr. W. Mitchell.

Resolved,—That the chairman of this meeting do forward to G. W. Gordon, Esq. a copy of the foregoing resolutions, and also send the memorial to Her most Gracious Majesty and beloved Queen to the Lieutenant Governor, to be sent by him in the usual way through his Grace the Secretary of the States and Colonies; and that the resolutions be published once in each of the Jamaica papers; and also send a copy to the London "Times" and other English papers, and to Lord Brougham, Earl of Shaftesbury, Lord John Russell, John Bright, Esq., and other friends to the cause of liberty.

(True copy.)

W. Foster March, Secretary. (signed) *H. Clyne*, Chairman.

Enclosure 3, in No. 7.

Government Secretary's Office,
8 September 1862.

Gentlemen,

I AM directed by the Lieutenant Governor to acknowledge the receipt of a memorial signed by the chairman of a public meeting held at Morant Bay on the 27th August, and addressed to Her Majesty the Queen, and to inform you that the same shall be transmitted to the Secretary of State for the Colonies in due course. Encl. 3, in No. 7.

2. The Lieutenant Governor cannot refrain from expressing his regret that a meeting held professedly for the good object of taking into consideration the neglected state of the parish, and the want of necessary institutions, should have pledged itself in reference to occurrences which could be but imperfectly known to it, and upon an ex parte statement.

3. No one can deplore more sincerely than his Excellency the want of adequate institutions, not only in the parish of St. Thomas-in-the-East, but throughout the entire Colony. No one can lament more than he does the occasional occurrence of abuse or irregularity in the management of such institutions as do exist. But such casual improprieties are liable to occur in any community, and in every part of the world. In Jamaica, perhaps, there has been a greater difficulty in preventing occasional mismanagement, or in rectifying it when it does arise, because Jamaica is exceptionably and differently situated from most of the British Colonies in regard to many of its institutions and arrangements, which removes them in a great measure from Executive control. The difficulty also of obtaining competent and trustworthy persons to occupy public positions upon the low rate of remuneration which the Colony is able to offer is another impediment; but, perhaps, the greatest obstacle of all arises from the apathy or want of public spirit on the part of those locally interested, and upon whom ought naturally to devolve the vigilant watching over and supervision of all arrangements of public interest in their parish. Had this vigilance and supervision been exercised in St. Thomas-in-the-East, the abuses which existed at the lock-up at Morant Bay could never have arisen, without almost immediate detection, nor could they have been continued for a single day after such detection.

4. With regard to this particular case, the public meeting may not have been aware that the lock-up at Morant Bay is in no respect under the control, direction, or authority of the Executive. It is entirely under the churchwardens and the justices, who are the parties responsible for its proper management. Had Mr. Gordon's object been solely to remedy evils which he found existing there, he had it in his power to do so as one of the justices in whom the control of the lock-up is vested. It was the duty of Mr. Gordon, or of any

other justice cognizant of any irregularity, at once to have communicated with the churchwardens, by whom the lock-up keeper was appointed, and under whose orders any supplies or repairs required have to be provided. If the churchwardens upon such application had refused or neglected to do their duty, Mr. Gordon had a ready remedy in applying to the custos of the parish to hold a special session under 20 Vict. c. 2, s. 20.

5. Again, in reference to the unfortunate man, Williams, if Mr. Gordon's sympathies were really enlisted on his behalf, why did he not himself relieve a man whom he professes to believe was dying for want of common necessaries; or, if unwilling or unable to afford such relief personally, why did he not seek out the churchwardens, and compel them to do their duty as the functionaries upon whom devolved the responsibility of supporting the destitute in the parish? Why did he not cause Williams to be removed from the privy, when he found him in that place, and was informed that he had been there for several days?

6. The Lieutenant Governor has been much pained to notice both that the public meeting and the newspapers of the Colony have ascribed the removal of Mr. Gordon from the magistracy to his having complained of the existence of abuses. The action of his Excellency has also been attributed to the advice or influence of others. The Lieutenant Governor willingly accepts the entire responsibility of the course which has been adopted, but he cannot help remarking that, with every desire that men should meet and discuss freely public questions in which they are interested, and with all respect for the press, which is so all-powerful for good or for evil, it is much to be regretted that such strong and positive opinions should be expressed upon matters only partially known, and that those in authority should be held up to obloquy on such partial information. The Lieutenant Governor readily acquits both the public meeting and the press of any intentional mis-statement or mis-judgment, but it does not the less become an injustice to those who are precluded by the rules of the public service from defending themselves, or even giving such explanation or information as would enable the public to judge more correctly.

7. The Lieutenant Governor, therefore, gladly avails himself of this opportunity to state that Mr. Gordon was not removed from the magistracy for pointing out or endeavouring to correct abuses; God forbid that such an attempt should ever be made to stifle inquiry. It is alike the duty, the wish, and the endeavour of his Excellency to find out, and as far as in his power lies to correct, every abuse, and to remedy all important deficiencies in the administration of the Colony, whether in connection with the arrangements of the Executive or of the parishes. Had Mr. Gordon confined himself to allegations of abuses existing, or of deficiencies requiring to be provided for, he might still have been in the commission of the peace.

8. But when Mr. Gordon, neglecting his own duty, and leaving unremedied the evils which he said existed, made those alleged evils the groundwork upon which to build up a deliberate, unjust, and most malevolent imputation against a worthy clergyman, the rector of the parish, it became the duty of the Lieutenant Governor, upon ascertaining, not only that this imputation was unfounded, but that Mr. Gordon knew it to be so at the time he made the charge, to remove from the magistracy one who so disgraced the Queen's commission, and whose retention on the bench after such an occurrence, would have been an insult to all the other magistrates in the Colony.

9. Neither the public meeting nor the press could be aware that Mr. Gordon has been his own interpreter as to the object and meaning of his letter to the Lieutenant Governor of the 7th May, but when a body of the Queen's subjects petition Her Majesty to redress a grievance which is only supposed to exist because they have not a full knowledge of all the circumstances of the case, it is only right that the means of judging more correctly should be afforded them. The Lieutenant Governor has therefore to inform the memorialists that at the time Mr. Gordon sent his letter of the 7th May to his Excellency he, under the same date, addressed a communication to the Secretary of State, making sweeping, scandalous, and libellous charges against the clergy of the Church of England in Jamaica, as a body, and enclosing a copy of his letter to the Lieutenant Governor, as an illustration of the conduct of one of them in particular, thus unmistakeably developing the object and scope of that letter.

10. Nor must it be forgotten that when informed, in the Governor's Secretary's letter of the 13th June, that his charges against Mr. Cooke were unfounded, and an explanation asked for, Mr. Gordon neither gave it nor withdrew the charges, and the same persistence in withholding any expression of regret at having made a malevolent and false imputation upon the character of a respectable clergyman characterized Mr. Gordon's conduct at the investigation held before the special sessions.

11. The Lieutenant Governor may also remark that it has been attempted to direct the public attention from the real bearing of the case by representing that the investigation before the justices was closed before all Mr. Gordon's witnesses were examined. But those witnesses were only tendered, according to Mr. Gordon's own evidence, "to prove the past condition of the lock-up, and other matters connected therewith;" a subject which it was comparatively unnecessary to investigate further, since a sufficient amount of mismanagement and neglect had been already proved to call for the removal, by the parochial authorities,

rities, of the lock-up keeper, for a censure upon the authorities under whose management it was, and for the immediate remedy of the evils which were shown to have existed. Indeed those evils had already, to a great extent, been remedied, even before the special meeting took place; another proof of how easily, and much earlier, this might have been done had Mr. Gordon been really anxious to have them corrected, and done his duty by taking those steps which were open to him as one of the justices in whom control of the lock-up rested.

I have, &c.
(signed) *Hugh W. Austin,*
Governor's Secretary.

Mr. F. March,
and the Gentlemen memorialising the Queen.

— No. 8. —

(No. 84.)

No. 8.
Lieutenant Governor Eyre to the Duke of Newcastle, K.G.
23 Sept. 1862.

EXTRACT from a DESPATCH from Lieutenant Governor *Eyre* to His Grace the Duke of *Newcastle*, K.G.

King's House, 23 September 1862.
(Answered, No. 511, 31 October 1862, page 41.)

My Lord Duke,

IN my Despatch, Jamaica, No. 80,* of the 8th instant, I transmitted a memorial addressed to Her Majesty the Queen, purporting to emanate from a public meeting held in the parish of St. Thomas-in-the-East.

* Page 26.

2. In forwarding that document I remarked, that as it only reached me on the morning of the day when the mail was to close for England I could not make any inquiries or report relative to the meeting or the parties attending it.

3. I have now the honour to forward a report, furnished to me confidentially† by * * * * * * *

4. The two remarkable points illustrated by the report are—first, the utter insignificance of the number attending the so-called meeting, only some 20 persons out of a reported population of 26,000; and secondly, the fact that of these few a considerable number do not belong to the district at all.

I have, &c.
(signed) *E. Eyre.*

His Grace the Duke of Newcastle, K.G.,
&c. &c. &c.

— No. 9. —

(No. 88.)

No. 9.
Lieutenant Governor Eyre to the Duke of Newcastle, K.G.
9 Oct. 1862.

COPY of a DESPATCH from Lieutenant Governor *Eyre* to His Grace the Duke of *Newcastle*, K.G.

King's House, 9 October 1862.
(Answered, No. 515, 11 November 1862, page 41.)

My Lord Duke,

I HAVE the honour to acknowledge the receipt of your Grace's Despatch, Jamaica, No. 490,‡ of the 5th ultimo, in reference to Mr. G. W. Gordon.

‡ Page 37.

2. In accordance with your instructions, I have caused Mr. Gordon to be informed of the decision at which your Grace has arrived. A copy of this communication is enclosed.

Mr. Austin to Mr. Gordon.
7 October 1862.

3. As Mr. Barclay has resigned the custos-ship of the parish on account of age and growing infirmities, I have not forwarded to him a copy of your Despatch, but I will communicate it instead to the new custos, the Baron Von Ketelhodt, as soon as he returns from a visit to the parish, upon which he is now engaged.

Mr. Barclay to Mr. Austin.
9 August 1862.

4. Your Grace would notice, from a circular which I addressed to the custodes of

† This Report being confidential is not printed.

* Page 23.

of the different parishes (transmitted in Despatch, No. 63*, of 21st August), that although disapproving of Mr. Gordon's conduct in some particulars I did not undervalue the disclosures brought to light by his agency, but at once urged upon the justices throughout the Island the duty and necessity of frequently visiting all places of confinement within their districts. I also expressed my strong disapprobation of the neglect and apathy exhibited on the part of the authorities in whom the management of the lock-up at St. Thomas-in-the-East rested. The Inspector of Prisons was requested to visit all the lock-ups within his reach whilst on his tour of visitation to the different prisons; and since your Grace's Despatch reached me I have issued instructions for the stipendiary magistrates also to visit regularly all places of confinement within their respective parishes.

Mr. Austin to Mr. Barclay. 6 August 1862.

5. In assuring your Grace that ever since my arrival in the Colony I have been unceasing in my exertions, both by precept and example, to obtain a better management and a more effectual supervision of the various places of confinement, I am at the same time bound to state that there are unusual difficulties in the way of securing in Jamaica all that could be desired in this respect. The Island is an extensive one, the institutions are widely scattered over it; the climate is unfavourable to great bodily exertion, and there are no inns or other places of accommodation for persons travelling. The expense of moving about is also very great. There is only one paid Inspector of Prisons (the Honourable A. G. Fyfe), who, though a most able and valuable public servant, could not physically undertake the labour which a regular and sufficient visitation would entail. Nor are there a sufficient number of stipendiary justices to do it, there being now only nine left to perform duties and attend to districts for which formerly 60 were provided.

6. On the other hand, the unpaid justices who ought to take an interest in and exert themselves to keep in good order the various institutions of their respective parishes, do not do so, but exhibit an amount of apathy and neglect which is most lamentable. It is quite true that in several of the parishes it has often been very difficult to get together a sufficient number of justices to constitute a bench for the trial of pending cases; and the interests of the public, but especially of the poorer classes, have consequently suffered greatly. The only remedy for this state of things will be the institution of paid justices supported by the Colony, and to this it must eventually come; but at present it seems very questionable whether the Legislature, with so many other sources of expenditure on hand still to be provided for, will yet undertake this additional one.

7. The gradual decay of the fortunes of Jamaica, and the almost entire cessation of the arrival of new colonists of position, ability, and intelligence, to take the place of those who have retired or died off, have thrown the Colony and the management of its institutions for the most part into the hands of a very different class of persons from that which formerly existed, and the result is, that it is very difficult to obtain competent and trustworthy persons either for the public departments or for the magistracy; and it is impossible, with such elements to work with, but that there must occasionally arise many unpleasant or discreditable occurrences. A very considerable portion of my time is taken up either in inquiring into alleged abuses or considering the result of inquiries made by my directions, or in efforts to prevent abuses arising; and the difficulties in both cases can only be appreciated by those who are thoroughly acquainted with the state and nature of West Indian communities.

I have, &c.
(signed) *E. Eyre.*

His Grace the Duke of Newcastle, K.G., &c. &c. &c.

Enclosure 1, in No. 9.

Mr. *Austin* to Mr. *Gordon.*

Sir, Governor's Secretary's Office, 7 October 1862.

Encl. 1, in No. 9.

I AM directed by the Lieutenant Governor, with reference to the correspondence which has taken place on the subject of the Morant Bay lock-up, to state that his Excellency has been instructed to inform you that the Duke of Newcastle has considered attentively the evidence taken by the justices, and whilst he acknowledges the service rendered by

by you in exposing the flagrant abuses of the lock-up house, his Grace regrets that you accompanied it with a wilful and inexcusable misrepresentation of the conduct of the rector of the parish, of which misrepresentation, his Grace adds, your removal from the commission of the peace is a just and necessary consequence.

I have, &c.
(signed) *Hugh W. Austin,*
Governor's Secretary.

G. W. Gordon, Esq.

Enclosure 2, in No. 9.

Mr. *Barclay* to Mr. *Austin.*

Sir, Treasury, 9 August 1862. Encl. 2, in No. 9.

I BEG most respectfully to place in the hands of his Excellency the Lieutenant Governor my resignation of the custos-ship of St. Thomas-in-the-East. I have been induced to take this step entirely on account of the growing infirmities of age, and my inability to attend to the duties of the office as I could wish and as the public interests require.

I have, &c.
(signed) *A. Barclay.*

Hugh W. Austin, Esq.,
Governor's Secretary.

Mr. *Austin* to Mr. *Barclay.*

Sir, Governor's Secretary's Office, 6 August 1862.

I AM directed by his Excellency the Lieutenant Governor to enclose extract from the evidence of Mr. Munro, in charge of the lock-up at Morant Bay, and to request you to call the attention of the authorities, under whom Munro holds his office, to his own sworn statement, that although he has been lock-up keeper for 15 months, he had taken no sufficient measures to secure proper utensils for the use of prisoners when shut up at night, but, that on the contrary, he had been in the habit of locking up as many as 10 prisoners together without any conveniences, allowing them to relieve nature upon the ground where they were confined, and letting those deposits remain all night; that after receiving money from the churchwardens to buy barrels to make tubs, Munro used the barrels for another purpose.

2. I am also to enclose Munro's subsequent report of the 31st July, from which it will be seen that during the year ended 31st July, 145 males and 16 female prisoners have been confined in the lock-up, often many together, and subject to the disgusting circumstances already referred to.

3. His Excellency is of opinion that any person who could allow such abuses to remain unrectified, is utterly unfitted to be in charge of a lock-up. It was clearly Munro's duty to have called the attention of the magistrates to the state of things existing, if on speaking to the churchwardens no attention was paid to his complaint.

4. His Excellency desires me to call attention to the circumstances sworn to, that the entrance to the female cells is through the room occupied by the keeper of the lock-up, an exceedingly improper arrangement, and one which could, his Excellency understands, have been easily rectified at a trifling expense, by boarding off a separate entrance.

5. In conclusion, I am to observe that his Excellency cannot dismiss this subject without expressing his strong disapprobation of the neglect and apathy exhibited on the part of the authorities in whom the management of the lock-up has been vested.

I have, &c.
(signed) *Hugh W. Austin,*
Governor's Secretary.

The Honourable A. Barclay,
Custos, St. Thomas-in-the-East.

— No. 10. —

(No. 121.)

No. 10. Lieutenant Governor Eyre to the Duke of Newcastle, K.G. 3 December 1862.

COPY of a DESPATCH from Lieutenant Governor *Eyre* to His Grace the Duke of *Newcastle*, K.G.

King's House, 3 December 1862.

My Lord Duke, (Answered, No. 535, 9 January 1863, page 42.)

22 Nov. 1862. I HAVE the honour to forward a letter addressed by Mr. G. W. Gordon to your Grace.

I think it right to state that Mr. Gordon's letter, though dated the 22d November, did not reach me until too late to transmit it by the last mail.

I have, &c.

His Grace the Duke of Newcastle, K.G. (signed) *E. Eyre.*
&c, &c. &c.

Enclosure in No. 10.

To the Duke of *Newcastle*, Secretary for the Colonies, &c.

Encl. in No. 10. May it please your Grace, Jamaica, 22 November 1862.

I HAVE received two communications from the Lieutenant Governor, of which the enclosed is a copy.

2. Her Majesty the Queen deputes certain duties to magistrates, which cannot be performed by herself, and it is Her prerogative at pleasure to recall Her commission, and if from any cause it was found necessary to withdraw the trust reposed in me, I should have been most willing to have resigned the same; but after a service of nearly 20 years, and when in the execution of my duties your Grace admits that I had exposed flagrant abuses, I feel that I was entitled to some little consideration, and not to be thus summarily and harshly dealt with; and as I made no misrepresentation against the rector, and repudiate the motive attributed to me, I therefore think it is due that I should require in common justice to know from your Grace the particulars, and on what grounds I am charged with wilful and inexcusable misrepresentation, as being a just and necessary cause for my dismissal.

3. The responsible position which your Grace holds as Secretary for the Colonies is the highest appeal for all colonial questions and grievances, and therefore all decisions by your Grace are received with deep interest, and of great importance to the community.

4. Your Grace will concur with me that it is contrary to the British constitution to condemn a man without an impartial hearing, and it is wrong to conjure up a charge against any one, and then, without even due investigation, to pass judgment and sentence. Yet this is the position in which your Grace's decision has left me; and it is so subversive of the first principles of justice, that I cannot help thinking that your Grace has been deceived by erroneous statements, for neither in my letter to the Lieutenant Governor, nor in the evidence taken before the special session, can it be proved that I made any misrepresentation about the rector, or any other party; and until I am informed of the nature of such alleged misrepresentation, and since I am also at a loss to perceive in what way my letter to the Lieutenant Governor, which led to the correspondence between myself and him, is connected with the unjust charge laid against me, and for which I am dismissed, I must continue to feel I am deeply injured, and as a British subject, and one who has long served the Crown, I trust that in common justice your Grace will be pleased to order the information to be afforded me.

5. The attempt to cast an unmerited reproach on my character is most grievous and trying, and therefore I trust that your Grace will not consider me too importunate in endeavouring to protect that which every man feels to be dear to him. Relying on the equitable consideration of your Grace,

I have, &c.
(signed) *G. W. Gordon.*

Sir, Governor's Secretary's Office, 7 October 1862.

I AM directed by the Lieutenant Governor, with reference to the correspondence which has taken place on the subject of the Morant Bay lock-up, to state that his Excellency has been instructed to inform you that the Duke of Newcastle has considered attentively the evidence taken by the justices, and whilst he acknowledges the service rendered by you in exposing the flagrant abuses of the lock-up house, his Grace regrets that you accompanied it by a

wilful

wilful and inexcusable misrepresentation of the conduct of the rector of the parish, " of which misrepresentation," his Grace adds, " your removal from the commission of the peace is a just and necessary consequence."

I have, &c.
(signed) *Hugh W. Austin,*
Governor's Secretary.

G. W. Gordon, Esq., Kingston.

Sir, Governor's Secretary's Office, 22 October 1862.

I AM directed by the Lieutenant Governor to acquaint you that his Grace the Secretary of State has acknowledged the receipt of your letter of the 6th August 1862.

I have, &c.
(signed) *Hugh W. Austin,*
Governor's Secretary.

G. W. Gordon, Esq., Kingston.

— No. 11. —

(No. 122.)

COPY of a DESPATCH from Lieutenant Governor *Eyre* to His Grace the Duke of *Newcastle*, K.G.

No. 11. Lieutenant Governor Eyre to the Duke of Newcastle, K.G. 3 December 1862.

King's House, 3 December 1862.
(Answered, No. 532, 7 January 1863, page 42.)

My Lord Duke,

I HAVE the honour to transmit herewith a letter addressed to your Grace by Mr. Henry Clyne, covering copy of certain resolutions passed at a public meeting of the inhabitants of the parish of St. Thomas-in-the-East. 27 October 1862.

Mr. Clyne's letter, though dated the 27th October, did not reach me until the 24th of November, too late to forward by last mail.

I have, &c.
(signed) *E. Eyre.*

His Grace the Duke of Newcastle, K. G.
&c. &c. &c.

Enclosure in No. 11.

To the Duke of *Newcastle,* Colonial Secretary, &c.

Encl. in No. 11.

St. Thomas-in-the-East, Jamaica,
27 October 1862.

May it please your Grace,

BY direction of a large public meeting of the inhabitants of the parish in this Her Majesty's Island of Jamaica, held on the 13th instant, of which I was chairman, I have now the honour to wait on your Grace with enclosed copy of resolutions passed at said meeting, and to which I humbly crave your Grace's kind attention and consideration on behalf of the poor people of the parish, who feel a deep interest in the subject.

I have, &c.
(signed) *Henry Clyne,* Chairman.

At a Public Meeting of the Inhabitants of St. Thomas-in-the East, Jamaica, held at Morant Bay on Monday, the 13th day of October 1862,

The following resolutions were unanimously carried:—

Moved by Mr. A. G. Mesquitta, and seconded by Mr. George B. Clarke.

Resolved 1st, That this meeting has seen with surprise and concern the letter sent by the Lieutenant Governor, on the subject of the memorial from this parish to Her Majesty the Queen. The said memorial having been sent to the Lieutenant Governor in a letter addressed to his Grace the Secretary of State for the Colonies, to be presented to Her Majesty, it did not in the opinion of this meeting come at present within the notice of the Lieutenant Governor for explanation.

Moved by Mr. Thomas W. Miles; seconded by Mr. Charles Sullivan.

Resolved 2d, That this meeting takes the opportunity of assuring the Lieutenant Governor that the parishioners are well aware of what they are doing, and of the righteous cause which they have to deal with, being fully sensible by personal observation and otherwise of the nature of the proceedings at the Special Session at Morant Bay, on the 3d July last, which was based on the letter of the Lieutenant Governor; the court did not go into evidence of any charges against the rector, for none were contained in Mr. Gordon's letter, sent by the Lieutenant Governor for consideration, although by the testimony of the rector himself most serious matters were proved. The rector's character is well known, and the statement that Mr. Gordon had built up malevolent charges against him is in no way shown or warranted by the proceedings which have taken place.

Moved by Mr. Wm. Reefe; seconded by Mr. James Ross Richards.

Resolved 3d, That this meeting feels aggrieved by the improper and uncourteous epithets which were contained in the letter of the Lieutenant Governor respecting Mr. Gordon, and deeply regrets that the opportunity should have been sought of putting forth statements so greatly at variance with the real state of the case; and this meeting bears testimony to the fact of Mr. Gordon's upright, impartial, honourable, and courteous conduct as a magistrate, and which has always been justly appreciated by the inhabitants and community in general.

Moved by Mr. Charles Sullivan; seconded by Mr. Geo. McIntosh.

Resolved 4th, That this meeting regrets to perceive that the Lieutenant Governor has deemed it expedient to evade the rules of the public service, which precludes officials giving explanations, by having addressed a letter, such as that now under consideration, embracing subjects not in question, to the secretary of the late meeting, and thereby constraining the rejoinders which are now being made, and forcing this meeting to a controversy with the head of the Executive.

Moved by Mr. James Ross Richards; seconded by Mr. T. Miles.

Resolved 5th, That in the opinion of this meeting, even admitting that Mr. Gordon did make charges against Mr. Cooke the rector, it was no part of the Lieutenant Governor's duty to proceed to discharge the offices of prosecutor, jury, and judge, and to punish for the alleged offence.

Moved by Mr. W. Felford; seconded by Mr. A. Laing.

Resolved 6th, That a copy of these resolutions, signed by the chairman, be sent to the Lieutenant Governor, and also to the Secretary of State for the Colonies, in the usual way, and be published in each of the newspapers of the mother country and this Island.

(signed) *Henry Clyne*, Chairman.

Despatches from the Secretary of State.

— No. 1. —

(No. 490.)

No. 1.
The Duke of Newcastle, K.G., to Lieut. Governor Eyre.
5 September 1862.

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K. G., to Lieutenant Governor *Eyre*.

Sir, Downing Street, 5 September 1862.

I HAVE received your Despatches Nos. 41,* 52,* and 56,* of the 8th and 24th* July and 7th August, with their enclosures, on the subject of the representations made by Mr. Gordon of abuses which he had found to exist in the lock-up house in Morant Bay, and of the treatment of a man named Williams, who was sent to the lock-up house by Mr. Cooke, the rector of the parish in which it is situate.

* Pages 3, 9, and 18.

You had directed the custos of the parish, Mr. Barclay, to summon a special sessions of the justices to inquire into the subject, who met accordingly, and came to a resolution that the lock-up house was a very good one for its purpose, and that the charges brought by Mr. Gordon against the rector were totally unfounded.

You thereupon superseded Mr. Gordon in the commission of the peace, and against this act Mr. Gordon appeals to me.

I am unable to concur in the views which you have taken of the proceedings of the justices, nor can I regard the recapitulation contained in your Despatch, No. 52, as an accurate and complete statement of the facts disclosed in evidence.

You describe the resolution arrived at by the justices under the local Act 20 Vict. c. 11, s. 20, as a judicial decision. It was a decision on an inquiry into abuses for which the justices were themselves responsible, inasmuch as the lock-up house was under their management, and the keeper of it was appointed by them and the vestry. It is in evidence that during the tenure of office of the present keeper the lock-up house had never been visited by the justices or any of them till it was visited by Mr. Gordon.

Under these circumstances I am of opinion that in forming your judgment you should have looked to the evidence rather than to the resolution of the justices, and especially that you should have had regard to the evidence of the gaoler.

The gaoler was not indeed described by Mr. Gordon in his letter of the 7th May, as supposed by you, to be "the most able and exemplary supervisor of a prison that he knew," that description having been applied by Mr. Gordon, not to the keeper of the lock-up house, but to the keeper of the district prison. But the keeper of the lock-up house, whatever else he was, was at all events a perfectly credible witness as against abuses in which he was himself implicated. For though, according to Mr. Alverauga's evidence, he had at one time imputed them to the churchwarden, Mr. Mackenzie, as having refused the necessary supplies; yet before the justices he took the blame to himself, and as far as was in his power exonerated Mr. Mackenzie, to whom it appears that he considered himself to have owed his appointment.

On the evidence of this gaoler there can be no doubt that the gross and disgraceful abuses charged by Mr. Gordon against the lock-up house did exist in it up to the time when it was visited by Mr. Gordon. After his visit, it is true, that all traces of them had been removed, and the lock-up house was found, first by Mr. Cooke and afterwards by the justices, in a state of which he and they could express their approval.

But when the justices, finding the lock-up house in this state, then, simply resolved that it was a very good one, without the slightest notice of the scandalous abuses which had been proved against it, they evaded the whole question,

and when they refused to hear 11 out of 14 witnesses tendered by Mr. Gordon, on the ground that the evidence proffered related not to the then but to the past state of the lock-up house, they betrayed their duty.

I am of opinion, therefore, that the justices, and Mr. Gordon himself as one of them, were guilty of great neglect in leaving the lock-up house under their management so long unvisited; that Mr. Gordon rendered a substantial public service, though a tardy one, in representing to you the abuses which he detected, and that the justices took a discreditable course in overlooking the facts which were proved before them and suppressing the evidence by which it was proposed to prove more. Mr. Mackenzie, the churchwarden, who was the more culpable, inasmuch as the lock-up house was placed under his more immediate supervision, does not appear to have attempted any vindication of his conduct.

I have now to advert to Mr. Gordon's misrepresentation of the conduct of Mr. Cooke, the rector of Morant Bay, in the case of Williams. Mr. Gordon, in his letter of the 7th May, writes: "The rector of the parish actually sent in" [to the lock-up house] "a poor sick man, on what authority I cannot find out, nor do I know how the rector could do so at all, and this wretched creature was, up to last night, from the 26th April last, actually living in the privy of this unventilated place. There he was put, there he remained, there he ate and drank, and slept there. Better had he slept the sleep of death than undergo this slow process of poisoning, which it really is. And I submit that the Attorney General has a good action in this case." The report you received of the case from the custos is as follows: "A poor wandering stranger, far gone in dropsy and since dead, called at the rectory late in the evening, seeking food and lodging; and the rector having no means of accommodating him sent him to the lock-up, with directions to the keepers to receive him and have his wants provided for; and more, he sent and informed the churchwarden who immediately sent 4*s.* to provide necessaries, when the rector considered the case off his hands, having done all he could." You quote this account as adopting it, but I cannot accept it as conveying a correct impression of the facts as they appear in the evidence. The facts as I find them are, that Williams, the sick man, came to the rectory at six o'clock in the evening of the 26th April; that the rector sent him to the lock-up house to be taken care of for the night, giving him 1*s.*; that the man lived on this shilling and the charity of the gaoler for about nine days, during about three of which he was able to walk and went in and out; that on the 3d of May the gaoler went to the rector, and told him the man was unable to move, and then, and not before, the rector gave the gaoler a letter to the churchwarden's son (acting for the churchwarden) requesting that 3*s.* might be given him, which in the course of a day or two was given accordingly; that on the 6th May Mr. Gordon visited the lock-up house and found the man lying in the privy, where he had been lying for five days. It is stated that he could not be induced to come out; but it appears, that originally at least, he had no choice, for the gaoler says, in answer to Mr. Gordon, "You inquired why he was there; I told you I had prisoners, and nowhere else to put him, and he said he would go in there." And further on, "The upstairs where the females are put were empty the first week Williams came there. He was in such a bad state I could not put him upstairs." During the period of about nine days before the 3*s.* was procured for Williams, the gaoler says he gave him a portion of his own food. Afterwards (whether before or after Mr. Gordon's visit does not appear), the churchwarden gave him a suit of clothes. On the 6th May, and immediately after his visit to the lock-up house, Mr. Gordon went to the rector and made a remonstrance, in consequence of which the rector went, about three days afterwards, to see Williams at the lock-up house, taking Dr. Murrough, the parish doctor, with him. The rector asked Williams what business he had in the privy, and Williams said he could not get up, he could not walk about. The gaoler excused himself by saying he could not get him to come out. Dr. Murrough examined Williams, found him to have dropsy and disease of the kidneys, said his case was hopeless, and did nothing for him. The rector said he would send him to the hospital by the first boat he could get, and made an attempt to find a boat, but without success, and about 11 days afterwards, that is about the 20th May, the man died, having been removed before his death from the privy to the lock-up room, which by that time was empty. Besides the 3*s.* first given, the

the churchwarden gave, at some, subsequent time, 2 *s.*, but he never visited Williams. These sums, with the 1 *s.* given by the rector, make 6 *s.*, which was given to support Williams from the 26th April, when he was sent to the lock-up house till the 20th May, when, or about which time, he died.

The difference between the statement of the custos in vindication of the rector and the facts brought out in the evidence is, that according to the custos, the rector sent Williams to the keeper with directions to receive him and have his wants provided for; "and more, he sent and informed the churchwarden, who immediately sent 4 *s.* to provide necessaries, when the rector considered the case off his hands," evidently implying that all this was done at once; whereas, the facts are, that for seven days after sending Williams to the lock-up house with 1 *s.*, the rector took no further account of him, and it was only on the 3d May when the gaoler went to say he was unable to move, that the rector wrote the request for 3 *s.* to be given him, which seems to have been actually given in about nine days. The rector, however, states in his letter of the 23d May to Mr. Austin, though not in his evidence, that when he sent Williams to the lock-up house, "the understanding was, that the man, if able to travel, should come again to me, and I would, if there was a vessel to sail for Kingston, give him a passage and a letter to procure him admittance into the public hospital." And the rector, after the visit he paid to Williams in consequence of Mr. Gordon's remonstrance, seems to have been desirous to pay for a passage for him if one could have been procured.

Such are the facts, as I collect them, on which I am called upon to judge of the step taken by you in removing Mr. Gordon from the commission of the peace for having maligned Mr. Cooke, the rector of Morant Bay.

As to the merits of Mr. Cooke's course in dealing with the case of Williams, it is no part of my duty to express an opinion. The measure of charity and humanity which Mr. Cooke or any other person may see fit to extend to his fellow-creatures, is a matter with which the Secretary of State has no concern. This man in his extremity met with no abundant measure of it either from the rector, the churchwarden, the doctor, the gaoler, or Mr. Gordon himself. But it is clear that the rector's intentions were not otherwise than charitable, as far as they went, and the charge brought against him by Mr. Gordon of having sent the man to prison by an unlawful act of authority, was a wilful and unpardonable misrepresentation, for which, being made in the exercise of his office as one of the justices having the management of the lock-up house, you were justified in striking his name out of the commission of the peace.

You will be pleased to intimate to Mr. Gordon that I have considered attentively the evidence taken by the justices, and whilst I acknowledge the service rendered by him in exposing the flagrant abuses of the lock-up house, I regret that he has accompanied it by a wilful and inexcusable misrepresentation of the conduct of the rector of the parish, of which misrepresentation his removal from the commission of the peace is a just and necessary consequence.

I have to request that you will communicate a copy of this Despatch to the custos, Mr. Barclay.

I approve the intention which you express to procure information respecting all the places of confinement in the colony, and to take steps for securing their frequent visitation and inspection by the justices; but I am desirous to be informed whether there be not in Jamaica, as in other colonies, paid inspectors of prisons. I am of opinion that the endeavours of one paid officer specially charged with the service would probably be more effective than any efforts which might be pressed upon unpaid magistrates whose own views of their duty may not have been such as to secure its performance. If there be no officers specially paid for the inspection of prisons, the duty appears to be one which might properly be committed to the stipendiary magistrates. You have power under the Act of Parliament passed for that purpose, to close any prison which is unfit for the proper reception and treatment of prisoners, and this is a power which necessarily imposes upon you a corresponding responsibility.

I wish further to draw your attention to the allegations of Mr. Gordon that the attendance of the justices at petty sessions is so irregular as to occasion much delay in the administration of justice, and that there are undue difficulties in the way of prisoners obtaining bail. And I desire to caution you against rejecting Mr. Gordon's complaints as unworthy of attention. The representations of a person who has made false and unfounded imputations are to be

regarded no doubt with distrust when resting only upon his personal credit; but when a serious amount of abuse is proved to have existed, and evidence has been suppressed, the information obtained from such a person may be useful as indicating the direction in which inquiry should be made.

I have, &c.

Lieutenant Governor Eyre, &c. &c. (signed) *Newcastle.*

— No. 2. —

No. 2.
The Duke of Newcastle, K.G., to Lieut. Governor Eyre.
23 Sept. 1862.
* Page 20.

(No. 496.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K.G., to Lieutenant Governor *Eyre*.

Sir, Downing-street, 23 September 1862.

I HAVE to acknowledge the receipt of your Despatch, No. 58,* of the 8th of August, enclosing a letter from Baron Von Ketelhodt in reference to the case of Mr. Gordon.

I have to state that, whilst I blame Baron Von Ketelhodt in common with the other 10 magistrates who concurred in the proceedings respecting the lock-up house, I see no reason to blame him for having taken his seat on the bench.

I have, &c.

Lieutenant Governor Eyre, &c. &c. (signed) *Newcastle.*

— No. 3. —

No. 3.
The Duke of Newcastle, K.G., to Lieut. Governor Eyre.
23 Sept. 1862.
* Page 23.

(No. 497.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K.G., to Lieutenant Governor *Eyre*.

Sir, Downing-street, 23 September 1862.

I HAVE to acknowledge the receipt of your Despatch, No. 63,* of the 21st August, forwarding a further letter from Mr. Gordon on the subject of his removal from the commission of the peace.

You will be pleased to inform Mr. Gordon that I have received this communication.

I have to convey to you my approval of the circular which you caused to be addressed to the custodes of the various parishes with regard to visiting the places of confinement in the parishes.

I have, &c.

Lieutenant Governor Eyre, &c. &c. (signed) *Newcastle.*

— No. 4. —

No. 4.
The Duke of Newcastle, K.G., to Lieut. Governor Eyre.
25 Sept. 1862.
* Page 22.

(No. 498.)

COPY of a DESPATCH from His Grace the Duke of *Newcastle*, K.G., to Lieutenant Governor *Eyre*.

Sir, Downing-street, 25 September 1862.

I HAVE to acknowledge the receipt of your Despatch, No. 59,* of the 9th of August, enclosing a letter from Mr. W. Gordon, of the 7th May, which did not accompany your Despatch, No. 41, of the 8th of July.

I have, &c.

Lieutenant Governor Eyre, &c. &c. (signed) *Newcastle.*

JAMAICA.

RETURN to an Address of the Honourable The House of Commons, dated 22 March 1867;—*for*,

"COPY of the PROCEEDINGS of the COURTS MARTIAL recently held in *Jamaica* upon Ensign *Cullen* and Assistant-Surgeon *Morris* of Her Majesty's Service, including the Findings of the Courts, and the Nature of the Sentences, if any, awarded to the Accused."

War Office, 29 March 1867.

J. S. PAKINGTON.

(*Mr. Gilpin.*)

Ordered, by The House of Commons, *to be Printed*, 2 *April* 1867.

Proceedings of a General Court Martial, held on Ensign Cullen - - - p. 1

Proceedings of a General Court Martial, held on Staff Assistant Surgeon Henry Morris - - - - - - - - - - - - - - p. 133

PROCEEDINGS of a GENERAL COURT-MARTIAL, held on Ensign *Cullen* 1st West India Regiment, assembled at Kingston, Jamaica.

LIST OF WITNESSES FOR PROSECUTION.

				Questions		Page
1.	Honourable E. Jordan, C. B.	coloured		14 to	18	2
2.	Captain Hole, 2nd Battalion, 6th Regiment	white		19 „	31	2
3.	H. Clark, Clerk of Works, R. E.	white		32 „	45	3
	„ „ „ recalled			1976		95
4.	Peter Phillips	black		46 „	109	5
5.	*Cyphus Wills*	black		110 „	155	7
6.	*George Colson*	black		156 „	205	8
7.	*Richard Francis*	black		206 „	224	10
8.	*Samuel Bryan*	coloured		225 „	286	10
9.	*Isaac Cornwall*	black		287 „	297	13
10.	Cecilia Robinson	black		298 „	354	14
11.	Abraham G. Donaldson	black		355 „	439	17
12.	Robert Speed	black		440 „	494	19
13.	John Hamilton	black		495 „	526	22
14.	Sophia Bartley	black		527 „	536	23
15.	George Grant Manning	coloured		537 „	655	23
16.	John Anderson	coloured		656 „	704	30
17.	Thomas Clark	black		705 „	739	33
18.	Eliza Phillips	black		740 „	779	34
19.	John Fleming Duany	coloured		780 „	830	35
20.	Thomas Wedderburn	black		831 „	864	38
21.	Harriett Warren	black		865 „	892	39
22.	Richard Taylor	black		893 „	921	40
23.	Zachariah Bayley	black		922 „	928	41
24.	Charles Robinson	black		929 „	943	41
25.	Nathaniel Wilkie	black		944 „	958	42
26.	William Bartley	black		959 „	981	42
27.	William Huntingdon	black		982 „	989	43
28.	Assistant Surgeon Kerr, 2nd Battalion, 6th Regiment	white		990 „	1022	44
	„ „ recalled			1967 „	1975	94
29.	Doctor Fiddes	white		1977 „	1982	95
30.	Doctor Scott	coloured		1983 „	1984	96

LIST OF WITNESSES FOR DEFENCE.

				Questions		Page
1.	James Harrison	white		1023 to	1055	46
	„ recalled			1107 „	1118	50
2.	Alexander Chisholm	white		1056 „	1106	48
3.	Charles H. M'Dermott	white		1119 „	1155	51
4.	John Sinclair	white		1156 „	1193	53
5.	Romeo W. Drysdale	coloured		1194 „	1215	55
6.	Alfred G. Berry	white		1216 „	1251	55
7.	Richard M. Wilson	white		1252 „	1257	57
8.	Joseph Wood	coloured		1258 „	1269	57
	„ recalled			1755 „	1757	79

		Questions	Page
9.	James A. Fowles - - - - - - - -	white -	1270 to 1281	58
10.	William G. Astwood - - - - - - - -	white -	1282 „ 1315	58
11.	Robert S. Brass - - - - - - - - -	white -	1316 „ 1333	60
12.	John H. Davis - - - - - - - - -	white -	1334 „ 1338	61
13.	Edward W. Lewis - - - - - - - -	white -	1339 „ 1362	62
14.	Serjeant O'Connor, 1st West India Regiment - -	black -	1363 „ 1408	64
15.	Corporal Hunter, 1st West India Regiment - - -	black -	1409 „ 1465	65
16.	Private Wolstenholme, 2nd Battalion, 6th Regiment -	white -	1466 „ 1524	67
17.	Private Leslie, 1st West India Regiment - - -	coloured	1525 „ 1549	69
18.	Corporal Maddix, 1st West India Regiment - - -	white -	1550 „ 1569	70
19.	Private Gordon, 1st West India Regiment - - -	black -	1570 „ 1594	71
20.	Private Blyth, 1st West India Regiment - - -	black -	1595 „ 1611	72
21.	W. O. Lofthouse - - - - - - - - -	white -	1612 „ 1636	72
22.	Honourable W. Hosack - - - - - - -	white -	1637 „ 1640	74
23.	Captain Ross, 1st West India Regiment - - -	white -	1641 „ 1650	75
24.	Lance-corporal Bedford, 2nd Battalion, 6th Regiment -	white -	1651 „ 1682	75
25.	J. R. Watson - - - - - - - - -	white -	1683 „ 1711	76
26.	Private Barnes, 2nd Battalion, 6th Regiment - -	white -	1712 „ 1733	77
27.	Private Cox, 2nd Battalion, 6th Regiment - - -	white -	1734 „ 1753	78
28.	Lieutenant Ballantine, 1st West India Regiment - -	white -	1754	79
29.	Doctor Manners - - - - - - - -	white -	1758 „ 1810	79
30.	Staff Surgeon Street - - - - - - -	white -	1811 „ 1824	82
31.	Staff Assistant Surgeon Morris - - - - -	white -	1825 „ 1838	83
	„ „ „ recalled - - - - -		1890	89
32.	Staff Surgeon Dunlop - - - - - - -	white -	1839 „ 1863	84
33.	Honourable Doctor Bowerbank - - - - -	white -	1864 „ 1908	85
34.	Doctor Anderson - - - - - - -	white -	1909 „ 1951	90
35.	Private Cheetham, Army Hospital Corps - - -	white -	1952 „ 1954	93
36.	Private Broder, Army Hospital Corps - - -	white -	1955	93
37.	Herbert F. Orgill - - - - - - - -	white -	1956 „ 1966	93

APPENDIX.

LIST OF DOCUMENTS ATTACHED TO THE PROCEEDINGS.

1.	Prisoner's request for an adjournment - - - - - -	marked (A.)	107
2.	Prosecutor's Address - - - - - - - - - -	„ (B.)	107
3.	Indemnity Acts (Prosecution) - - - - - - - - -	„ (C.)	111
4.	Order from Brigadier General Nelson to Captain Hole, 2nd Battalion, 6th Regiment (Prosecution) - - - - - - -	„ (D.)	112
5.	Plan of Grounds near Duckenfield Post Office (Prosecution) - -	„ (E.)	facing p. 112
6.	Elevation and Ground Plan of Post Office Building - - - -	„ (F.)	
7.	Sketch from Post Office, includes blacksmith's shop, logwood hedge and growing bamboos (Prosecution) - - - - - - -	„ (G.)	
8.	Prisoner's Opening Address for Defence - - - - -	„ (H.)	112
9.	Printed Placard, dated "Spanish Town, 13 February 1866" (Prisoner)	„ (I.)	113
10.	Medical Certificate (illness of prisoner) - - - - - -	„ (K.)	113
11.	Medical Certificate (illness of member) - - - - - -	„ (L.)	113
12.	Prisoner's closing Address (Defence) - - - - - - -	„ (M.)	114
13.	Prisoner's Objection to reception of rebutting Evidence by Prosecution	„ (N.)	127
14.	Prosecutor's Reply - - - - - - - - - - -	„ (O.)	128
15.	Prisoner's Rejoinder - - - - - - - -	marked (P.) and (Q.)	132

PROCEEDINGS of a GENERAL COURT MARTIAL held on Ensign *Cullen*, 1st West India Regiment. Assembled at Kingston, Jamaica, on 2nd October 1866. Concluded, 4th December 1866.

PROCEEDINGS of a GENERAL COURT MARTIAL held at Up-Park Camp, Kingston, Jamaica, on the 2nd day of October 1866, in pursuance of an Order of Major General *O'Connor*, C.B., Commanding Her Majesty's Forces in Jamaica and its Dependencies, dated the 28th day of September 1866.

President:

Colonel FARREN, C.B., Depôt Battalion.

Members:

1. Major Williamson	48th Regiment.	5. Captain Barstow	89th Regiment.
2. Brevet Major Campbell,	71st ,,	6. Captain Seton	102nd ,,
3. Captain Walters	44th ,,	7. Captain Oliver	66th ,,
4. Captain Day	28th ,,	8. Captain Ready	66th ,,

Captain MACLEAN, Rifle Brigade, Deputy Judge Advocate.

FIRST DAY, 2nd October 1866.

AT 11.30 A.M., the Court opens.

Ensign FRANCIS JAMES CULLEN, 1st West India Regiment, appears a Prisoner before the Court.

2 October 1866.

THE order for the assembly of the court martial, and the warrants appointing the President and Deputy Judge Advocate, are read.

The names of the President and members are read over, and they severally answer to their names, in the hearing of the prisoner.

1. *Question to the Prisoner.*] Do you object to being tried by the President or by any of the officers whose names you have heard read over?—*Answer.*] I do not.

The President, members, and Deputy Judge Advocate are duly sworn.

The Court proceeds to the trial of Ensign Francis James Cullen, 1st West India Regiment, on the following

CHARGE.

"For scandalous conduct, unbecoming the character of an officer and a gentleman, in having, on the 21st October 1865, in the county of Surrey, in the island of Jamaica, during the continuance of martial law, and in a district over which martial law then prevailed, which had been proclaimed there for the purpose of suppressing an insurrection, and for the preservation of the public peace in the said island, cruelly, wantonly, and wrongfully, caused three men, severally named Richard Walton, Tommy Miles *alias* Tom Bell, and John M'Call *alias* George M'Quarry M'Call, to be shot to death; the said act not being done by him, the said Ensign Cullen, in good faith, for the purpose of suppressing the said insurrection, or for the preservation of the public peace in the said island."

PLEA.

To which charge the prisoner pleads "Not guilty."

The prisoner here hands in a written document, praying, for reasons therein assigned, that his trial might be postponed. This document is read in Court, signed by the President, marked (A), and attached to the proceedings.

The Court is cleared for deliberation.

2. *By Court to Prosecutor.*] The Court is re-opened, and Lieutenant Colonel Daniell, 28th Regiment, who appears as prosecutor, is asked whether he has any observations to offer on the document in question. The prosecutor declines to make any remarks thereon, but leaves the matter entirely to the discretion of the Court.

The prisoner, at the instance of the Court, produces a witness in support of the statements contained in his written application for a postponement of his trial.

EDWARD WHITEHOUSE LEWIS, Practitioner in the Courts of Law in this Island, being duly Sworn, is Questioned by the Court.

E. W. Lewis.
2 Oct. 1866.

3. *By Court.*] ARE you aware that the statements contained in the paper handed in by the prisoner, that his legal advisers will be necessarily engaged in Spanish Town, are correct?—I am.

4. *By Prisoner.*] How long do the sittings of the Supreme Court last by law?—Two weeks.

5. Are they now pending?—They commenced yesterday at 10 a.m. and sit from day to day for two weeks. I may add, that I attend here myself to-day from a sense of courtesy to this Court, as I ought to have been professionally present in Spanish Town.

6. Are you engaged in the business now pending in such court?—I am.

7. Are you acting as one of the professional advisers for me?—I am.

8. Is the Advocate General the counsel acting as my professional adviser?—He is.

9. Can the Advocate General or you properly render your assistance to me on this trial while the sittings of the Supreme Court are now pending in Spanish Town?—We cannot.

10. Have you been able to prepare properly my defence whilst the sittings are now pending, and are you aware that the Advocate General is neglecting his professional duties to render his services to me for the honour of the service? —I have not been able to prepare properly the defence; I believe he is.

11. Is he now extensively engaged in the business pending in the Court?—I believe he is, and he has matters of mine in hand in the Court.

12. *By Court.*] Will the prisoner be prejudiced by the proceedings going on to-day till four p.m.?—I do not think that he will if the evidence is to be formal only.

13. *By Prosecutor.*] Will the prisoner be prepared to proceed with the inquiry immediately after Saturday, the 13th inst., should the Court allow the postponement asked for?—He will on 15th inst.

PROSECUTION.

All evidences are ordered to withdraw, and the Prosecutor then, with the Court's permission, reads an address, which is marked (B.), signed by the President, and attached to the proceedings.

First Evidence for Prosecution.

The Hon. EDWARD JORDAN, C.B., being duly Sworn, is Questioned by the Prosecutor.

Hon. *E. Jordan*, C.B.

14. *By Prosecutor.*] WHAT is your name, and what public position did you hold in the month of October 1865?—My name is Edward Jordan, and I held the appointment of Governor's secretary, and of island secretary in October 1865.

15. Can you give the Court information, arising out of the discharge of your official duties, of the proclamation of martial law?—As Governor's secretary I had to countersign the proclamation issued on 13th October, and I also directed it to be posted on the door of the Court-house in Kingston that day.

16. Was it posted according to your direction; and on what day?—It was posted on the same day.

17. Was that the usual and official mode of publication of a proclamation; and did martial law thereafter become operative in the county of Surrey, except in the city of Kingston in Jamaica, and how long did it remain in operation?—It was the usual official mode of dealing with proclamations. Martial law commenced immediately after the posting and continued for 30 days, when it ceased from effluxion of time according to law; and martial law became operative from the period of posting the proclamation in the county of Surrey, except in Kingston.

18. Did the Act of Indemnity, 29 Vict. c. 1, receive the Royal Assent of Her Majesty, and was such assent communicated to you in the usual course of your duty; was it specially confirmed, and is this now produced an authorised copy of that Act?—This printed copy is an authorised copy of the Act 29 Vict. Session 1, c. 1; the Act received the assent of Her Majesty, which assent was communicated by an Order in Council; the assent was entered up in the records of the office by me as island secretary (marked (C.), signed and attached as usual).

Prisoner declines cross-examining this Witness, who thereupon withdraws.

Second Evidence for Prosecution.

LEWIS BLYTH HOLE, Captain 2nd Battalion, 6th Regiment, being duly Sworn, is Questioned by the Prosecutor.

Captain *L. B. Hole.*

19. *By Prosecutor.*] WHERE were you on duty in the month of October 1865; and did you receive any order to send a detachment to the Plantain Garden River; if such an order was in writing, produce it to the Court?—I was at Newcastle, Up-Park Camp, on board Her Majesty's ship "Wolverine," Port Antonio and Manchioneal; I received from Morant Bay the order produced, dated 20th October 1865, 10 a.m.; it arrived at Manchioneal about 5.20, p.m.

Order produced in Court, and read, marked (D.), signed by President, and attached to the proceedings.

20. Did you carry the order into effect, and in what way; whom did you dispatch, and to what

what place did you direct them to go?—I carried the order into effect; I gave orders in accordance, and saw the party march at 5 a.m., 21st October 1865. I dispatched Ensign Cullen in command of the party, and Dr. Morris in medical charge; and I directed them to go to the post-office at the spot indicated in the order; the post-office at the Plantain Garden River District on the direct road between Manchioneal and Bath.

21. Is that post-office you speak of near to an iron bridge?—I believe so.

22. *By the Prisoner.*] Is not that, the order produced, the only order which I received as my instructions on the march mentioned in that order?—That is all I can recollect; I do not recollect any other.

23. How long had I been in the service when I was entrusted with the command referred to, as stated by you?—I believe about three months; no, I find by an army list, about seven months.

24. How long had I been in the Colony of Jamaica when I was placed in command of the detachment mentioned in the order produced?—I am sure I do not know; not very long; some two or three months, or perhaps more.

25. Are you aware that I was ever before under any separate command in Jamaica till I was entrusted with the command mentioned in the order?—I sent you one day in command of a party to Friendship, but you returned the same day, and I do not think you were ever in command of a party in Jamaica before.

26. What kind of troops were placed under my charge; were there any recruits and Africans, or newly enlisted men?—They were troops difficult to manage; on the march they straggled a great deal; nothing could keep them together. By frequent halts I managed to keep them pretty well together. I do not know of my own knowledge about the length of the men's services; Captain Ross would know that better than I can do.

Captain *L. B. Hole.* 2 Oct. 1866.

27. Are you aware whether or not I was only four months in the island next before the time when I was appointed to the command of a detachment mentioned in the order produced, and that I was ever in this island before?—I believe I know you were only a short time in the island. I have already answered that as near as I know. I believe you never were in this island before.

28. What is your experience as to my character for humanity, and as an officer during the time you have known me?—I believe Ensign Cullen to be a very humane man; as regards his character as an officer while at Manchioneal, I can only say he gave me every satisfaction: very quiet and gentlemanly on all occasions, and willing to do any service required of him.

Re-examined by Prosecutor.

29. Can you give the Court the names of any of the non-commissioned officers or men who went with the detachment?—I can only recollect the names of two at that time: Company Serjeant-major Wolstenholme and Corporal Hunter, both of 1st West India Regiment.

30. *By the Prisoner.*] Are those men in the colony now?—They are; the company serjeant-major is now a private in 2/6th Regiment at Newcastle, and Corporal Hunter I have just seen.

31. Are you aware whether a number of those who accompanied me in that detachment are not now absent from the Colony; if so, state their names?—I can give no answer to that question. I do not know where they are; if I saw them I would not know many of them, and the two names given by me are the only ones I recollect.

[Witness withdraws.

Third Evidence for Prosecution.

HENRY CLARK, being duly sworn, is Questioned by the Prosecutor.

32. WHAT is your occupation; did you proceed at any time, and when, to the Iron Bridge near Duckenfield Estate, in the parish of St. Thomas-in-the-East, and did you go there on duty, and what did you do there?—I am in the Royal Engineer Department as clerk of works; I went there in company with Dr. Kerr, in the same carriage, on 26th of last month, to the Plantain Garden River Post Office, and from there to a gap in the hedge of the Duckenfield grass piece. I went there on duty, by a general order, and when there I made a survey of the locality, which I produce to the Court. This plan is marked (E), signed by President, and attached to the proceedings. I also produce a plan and elevation of the post office; also a view of the logwood hedge, taken from the post office; these are marked respectively (F.) and (G.), signed by President, and attached to the proceedings.

H. Clark.

33. Explain the drawings now produced to the Court?

The explanations of the three plans are given to the Court, and in view of the prisoner, by the witness.

34. *By the Prisoner.*] Had you any personal knowledge of the locality in the month of October 1865, or before you went down on this duty?—I never was in that part of the country before.

35. Are you aware that the hedge, in which is the bamboo gate, had been recently cut lower before you went on this duty. Did it not then so appear by marks?—I had not been so informed, nor did it strike me so before; but now I think it very probable it had been cut, as it was so regular.

36. Is not there a river with high embankments just at the back of the post-office, the same river which runs under the Iron Bridge?—The same, with very steep banks; it runs at the back of the post-office.

37. Standing at the post-office, could you, when you went down, see the gate of old bamboo rails in the gap or hedge of Duckenfield grass piece?—No, you could not see the bamboos; a turn in the road just hid them, and the fence was not so high as the hedge.

Re-examined by the Prosecutor.

38. *By the Prosecutor.*] Were they growing bamboos, or merely stakes or rails tied together to form a fence?—They were dry cut bamboos which a man could put up or take down in a few minutes; they were not growing bamboos: it is understood

H. Clark.

2 October 1866.

understood that this applies only to the gap, and not to the growing logwood hedge.

39. Were the bamboos tied or planted or in any way put up to form or act or serve the purpose of a fence?—They appear merely to have been put to stop the gap to keep cattle in; for no other purpose, as a man could easily stoop and get through; in fact, it was a mere temporary expedient to save the expense of a gate.

40. Standing at the post-office door, could you see the head of a person standing at the bamboo fence, as represented in the small drawing marked (G)?—Not exactly at the bamboo fence, but about a yard from it inside.

41. *By Prisoner.*] Do you mean that you could see that only in the state you found the hedge in on 26th September 1866 as cut lower?—Standing close to the hedge you could not, but if he were further away you could see more. I mean, if the man looked at were standing close to the hedge, you could not see more of him than his head and shoulders.

42. *By Prosecutor.*] Then we are to understand that though the drawing marked (G) is imaginary, yet, that if a man stood in the road, close to the bamboos or hedge, his head and shoulders would be seen from the post-office door, as represented in the drawing.

Question by prosecutor objected to by prisoner as drawing an inference which the Court should judge of from facts. The witness is therefore directed not to reply, and the prosecutor is requested to amend the form of his question in order to elicit the information he requires.

43. *By Prosecutor.*] If a man had stood at the hedge or bamboo fence outside in the road, could you have seen his head and shoulders from the post-office when standing on the floor as you have represented the head and shoulders of a man in that drawing?—I believe that a man could stand at the bamboo fence completely hidden, owing to the difference of thickness between the bamboos and the growing hedge. The logwood hedges are about four feet thick, the bamboo is about four inches, but if a man stood away from the bamboos either in the road or in the field, he could be seen.

44. What is the height of the logwood hedge?—I should think about five feet from the top of the bank, when a person is touching the hedge.

45. *By Prisoner.*] Are there not large growing bamboos overhanging the road opposite the bamboo gate?—There are bamboos on the opposite side growing down to the river, and they hang over, but do not hide the road; the width between the bamboos and the logwood hedge is about twenty feet.

[The witness withdraws.

It being now four p.m. the Court closes, and in compliance with the suggestion of the prosecutor, adjourns to the Duckenfield Post-office, to meet there to-morrow at such an hour as may be found practicable.

SECOND DAY, 3rd October 1866.

3 October 1866.

AT 3 p.m. the 3rd October 1866, the Court having proceeded in Her Majesty's Ship "Barracouta" to Port Morant, and thence to the Plantain Garden River Post Office, re-assembles, pursuant to adjournment: Present, the same members as yesterday, as well as the prisoner.

The evidence of Mr. Clark, the third witness for the prosecution, given yesterday, was read over for the information of the Court, and the Court compared the plans put in by him with the actual locality.

The Court further directed a man to be placed close to the bamboo-fence, and then ascertained, by personal observation, that his head could be seen from the door of the Post Office, nearest the bamboo-fence; but that from the centre door of the Post Office building, standing upright on the floor, no part of the man could be seen, the view being intercepted by the roof of the piazza, but he could be seen from the bottom step. A person was also placed at the spot marked "Grave," in the plan (E.), and it was ascertained in the same manner that he could be seen from the floor of the Post Office-door nearest the bamboo-fence.

The Court further observed that the logwood-hedge had been trimmed or cut lower, as evidenced by the cuttings lying under the hedge in heaps, extending from the Post Office to the bamboo-fence, and for a considerable distance beyond.

The Court is closed for the purpose of deliberating on the request for an adjournment, urged yesterday by the prisoner.

The Court being re-opened, the prisoner is informed that his request has been conceded, and the Court therefore is formally adjourned till 10 a.m., 16th instant, at Up-Park Camp; the additional day of adjournment being granted on the request of the prosecutor, in closing his address yesterday.

Third Day, 16th October 1866.

On Tuesday the 16th October 1866, at 10 a. m., the Court re-assembles at Up Park Camp, Kingston, pursuant to adjournment: present the same members as on the former meetings of the Court, and the prosecution is proceeded with. 16 October 1866.

Fourth Evidence for Prosecution.

Peter Phillips, being duly sworn, is questioned by the Prosecutor. *P. Phillips.*

46. *By Prosecutor.*] Do you remember the martial law time; when was it, and where did you live at that time?—I remember it; it was on 21st October last year, and I lived at Duckenfield.

47. Did you send any prisoners to anybody, and from what place; and to what place, and when did you send them?—One of the constables brought prisoners to my house, and I sent them out to the Iron Bridge on 21st October.

48. How many prisoners, and do you know the names of the prisoners; if so, state them?—There were four, and one got away: one was Richard Francis; one, John M'Call; one, George Walton, and one Tommy Miles.

49. Do you know what became of those prisoners?

Prisoner objecting to this question, the Prosecutor withdraws it.

50. Did you see them again alive or dead, and where did you see them or their bodies?—I saw them 22nd October, dead: they were tied to a fence next the bridge, standing on their feet, but dead.

51. What sort of fence were they tied to when you saw them dead?—Bamboo fence.

52. Where was the fence?—Lower down than the Iron Bridge.

53. How far lower down than the Iron Bridge. Was it near the Plantain Garden River Post Office?—I did not measure it, but less than a chain; it was near the post-office.

54. You say the men were dead; did you see what caused their death? Yes; they were shot.

55. What is Duckenfield, and where is it?—An estate making sugar, in St. Thomas'-in-the-East.

56. What do you say is Walton's name; what is the right spelling of his name?—George Walton; I do not know the spelling; I cannot read, but it is George Walton we call him.

57. Are you quite certain that the dead bodies you saw tied to the bamboo fence were the same men you sent to the Iron Bridge, except the one who got away?—The same men; I know their faces.

58. When the four men were brought to your house, what was the charge against them?—The charge against them was stealing nails on the estate, and oil, and rum.

59. Do you remember the names of constables you sent the four men in charge of, and if so, state them?—I remember them; Cyphus Wills, Samuel Bryan, and George Colson.

60. *By Court.*] What is your occupation?—I am head man on the estate of Duckenfield, and constable in the parish.

61. *By Prisoner.*] Where is your house?—At Duckenfield estate, on my own land there.

62. How far is your house from the Iron Bridge?—Half a mile.

63. Why cannot you tell the beginning of martial law?—Because I did not date it.

64. Which comes first, November, April, October, or September?—September comes before October, April first.

65. How do you remember it was the 21st, if you did not take the date?—After, I took the date, not the beginning.

66. When did you take the date?—The 21st of October.

67. Did you take the date on the same 21st, or after?—The same 21st.

68. Why did you take the date?—On purpose to remember when the men were shot.

69. You say you sent the prisoners to the Iron Bridge; did you go at the same time with them, or remain at your house and go on with your work that day?—I remained at my house; I did not go there at all.

70. At what place did you take the date?—In my own house.

71. On what day in your own house?—The 21st.

72. Where is the book or paper?—I cannot write; I asked the white people what date, and I hold it in my head.

73. What day of the month is this?—I cannot say, because I did not consider it at all.

74. Have you all along held the date of the 21st in your head, and not in a book?—I held it in my head because I cannot keep a book.

75. Then you swear you did not write the date down on the 21st?—No, I did not write it down.

76. Did you write down the date of the 22nd or keep that in your head?—I keep that in my head; from the 21st to 22nd I keep.

77. You say you considered the day, and asked white people; who was it that told you the date; what white people?—Charles Macdermott, the bookkeeper of the estate of Duckenfield.

78. Did you ask any white people to tell you the date of the 22nd, and who were they?—I asked Charles Macdermott from the 21st to 22nd, and I keep it in my head.

79. When did you ask the white people to tell you the date?—On the 23rd I asked, when the men were killed and buried.

80. What were the days of the week on which you sent prisoners and saw them tied up?—Saturday I sent them, Sunday I saw them tied up.

81. Did you on the 21st or 22nd at the time ever tell the overseer at Duckenfield of these prisoners or their deaths?—There were no white people there while the martial law was going on; they came back after martial law.

82. You say no white people at all on the estate;

P. Phillips.

16 October 1866.

estate; from what time to what time?—From the beginning of martial law they ran away; they began to come back from 23rd to 24th.

83. Where were you going the morning of the 22nd?—I was coming from Golden Grove to Duckenfield to my house.

84. You say you saw the three bodies on the 22nd; what time of day was it?—About 10 o'clock, if not later; I had no watch; I judge it about that time.

85. Did you stop to untie the bodies?—No; I only look upon them.

86. Did you touch the bodies at all?—No, never.

87. Did you merely pass by along the road, and so see the bodies?—Yes.

88. Do you know George Manning?—Yes.

89. Was Manning ever charged at this time before you with selling cutlasses or macheets to the rebels?—Not before me; I was not there.

90. Was he ever sought for about that time to be flogged?—I never was there at all to hear.

91. Do you know that he was running away and hiding about that time?—Yes; Manning did run away.

92. When did he run away?—Same day the three men were shot, after the soldiers left.

93. Did you remain at your work the whole day of 21st, Saturday?—I called in the morning at Golden Grove, and after I came back I went away; I did not work that day.

94. Where did you go to when you went away on the Saturday?—I went to Golden Grove, and returning to my house, I came by the bridge; but this means Sunday. On Saturday I never went away from my house at all.

95. Did you see Manning at all on Saturday?—No.

96. Did you ever give any evidence before Mr. Gurney or Mr. Maule, the Commissioners in St. Thomas-in-the-East, or in Spanish Town?—I gave evidence before Mr. Jackson; but I do not know the names of any other gentlemen. I never went to Spanish Town to give evidence.

97. In what month and year did you give evidence to Mr. Jackson, and where?—This day two weeks. I gave evidence to Mr. Jackson, at Golden Grove Estate, about two weeks ago. I do not recollect the date.

98. Have you a good memory or a bad one?—When I study to myself I have a very good memory; I remember what done very long.

99. Was your first evidence that given to Mr. Jackson; had you given your evidence before that to any magistrate, on oath or otherwise, in Spanish Town or St. Thomas-in-the-East?—I called by Mr. Chisholm on Sunday, New Year's day, before Mr. Sinclair, a magistrate, but not for that parish; this was upon oath; they take me to show the grave at the Iron Bridge that Sunday; this was in St. Thomas-in-the-East; and they told me they were going to write it to Spanish Town, and if I was called I was to go; but I never was called.

100. Was Manning ever charged with being concerned in the rebellion about that time?—Yes, I heard ——

Prosecutor objects to the question, on the grounds that such a course of examination is wholly irregular. In the first place if the evidence sought be shown to be true, it is no disqualification of Mr. Manning's evidence. In the next, any such evidence ought to be taken from Manning himself. If Manning be called, he can be examined to it; if he be not called, evidence of the character now sought will be only unnecessarily lengthening the proceedings by placing upon them extraneous facts.

To this the Prisoner submits that he has a right to show the character, bias, and motives of Manning, a principal witness against him. His credibility is not likely to be sufficiently tested by only asking him questions relating to himself.

The court is cleared for deliberation. The Court decides that the question may be put.

The court re-opens, the above decision is announced, and the Witness directed to answer the question.

Mr. Sinclair charged Manning before my face with bringing rebels on to the estate; but I tell him no, a man like that do good.

101. *By Prisoner.*] Was it after that charge that Manning tried to hide himself?—Yes.

102. What is Manning employed in besides keeping a shop at Golden Grove Post Office?—He has no other employ there but keeping a shop and the post-office.

103. What does he do on Sundays and on the evenings of week days, to your knowledge?—I never see him do anything but in his shop and post-office on week days; on Sundays he goes to his chapel.

104. Do you or do you not know that Manning is a local preacher, near Golden Grove, or Duckenfield?—No, I do not know; I never see.

105. Did Manning ever speak to you on these matters, or you to him, about dates or persons?—No, never.

106. Are not you and Manning very good friends?—Not very good friends; but we never quarrel with one another.

107. *By Prosecutor.*] Do you see the other gentleman who was with Mr. Jackson when you gave evidence to him at Golden Grove, in this room now?—I do not see him now; he was a fair white buckra.

108. *By Court.*] In what county is St. Thomas-in-the-East?—I do not know the meaning of the word.

109. What were the names of the men you saw dead, tied to a bamboo fence on 22nd October last year?—Tommy Miles, John M'Call, and George Walton.

[The Witness withdraws.

Fifth Evidence for Prosecution.

CYPHUS WILLS, residing on Duckenfield Estate, Head man for carrying gang, being duly sworn, is questioned by the Prosecutor.

William Herbert, Serjeant Instructor of Musketry, 2nd West India Regiment, is duly sworn to act as Interpreter.

C. Wills.

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110. *By Prosecutor.*] Do you remember martial law time; when was it, and where did you live at that time?—Yes, it was 21st day when I carried prisoners to the Iron Bridge in October last year; I lived then at Duckenfield.

111. How many prisoners did you carry to the Iron Bridge?—Four; the bookkeeper called me to carry prisoners to the Iron Bridge.

112. Do you know the names of the prisoners?—Yes; one was Richard Walton, George McQuarry; one was Tommy Miles, and Richard Francis, who got away.

113. Did the four prisoners go to the Iron Bridge with you?—Three went to the Iron Bridge, one got away.

114. What is the name of the bookkeeper with whom you went to the Iron Bridge with the prisoners?—Bryan.

115. Did any one else beside Bryan go with you?—Yes, John Coshee.

116. What did Bryan say when he got to the Iron Bridge, and whom did he speak to?—Bryan spoke to the officer, and say he bring prisoners.

117. What is the name of the officer?—I do not know his name, but I know himself.

118. Point the officer out if he is in the court.

The witness points out Ensign Cullen, the prisoner.

119. What did Bryan say to the officer?—He said he bring prisoners. Officer asked Bryan what prisoners do; Bryan say prisoners thieve rum and thieve nails; he bring them there for flog them, for learn them sense. Officer turned back.

120. What did the officer do when Bryan told him this?—He call doctor and him, and doctor come. Doctor asked Bryan what prisoners do; he said thieve rum and thieve nails. Doctor say must shoot prisoners, and the soldiers took prisoners from me, and I turned back; officer and doctor and soldiers all go. I walked about two or three chains, when I hear about 10 guns.

121. What did you see them do with the prisoners?—

Question withdrawn by Prosecutor, as no intelligible answer could be obtained.

122. Where did they take the prisoners to before you left?—Iron Bridge.

123. Did they go past the Iron Bridge or over the Iron Bridge, or in what direction?—They did not go over the bridge; they took them two chains and a-half, and the doctor gave orders to kill them.

124. Did they go straight down the road?—They kill them on the King's road.

125. Did you see anything more on the same day you took the prisoners to the Iron Bridge, beyond what you have already stated?—I no see anything more,

126. Did you go back to the place next day?—Yes; the next day I come from Golden Grove, and I saw them tied with their hands behind them. This was Sunday.

127. Whom did you see tied to the fence on Sunday?—George M'Quarry, Tom Miles, and Richard Walton.

128. What sort of fence was it?—Bamboo on one side and logwood on one side.

129. How do you know it was the same three men you took to the Iron Bridge on Saturday that you saw dead and tied to the fence on Sunday?—Two of them countrymen; my own country; Africans.

130. Who went with you on the Sunday, when you saw the dead bodies?—Peter Phillip and Bryan come to Mr. Manning's shop at the Iron Bridge.

131. *By Prisoner.*] Did you see any other white officers or soldiers there on the day on which you say you took prisoners; will you swear that there were none?—I saw doctor and officer, and plenty black soldiers; I saw no white soldiers, unless they were in the house and I not see them; I saw no white officers, except the doctor and the officer.

132. Did you see any white serjeant-major on that day?—No; I see plenty soldiers there, but I only know doctor and officer.

133. Can you read or write?—No.

134. Had you ever seen Ensign Cullen before the day of which you speak and say you took prisoners?—The first day I carry prisoners to the officer was the first day I know him.

135. How do you come to know it was the 21st?—I know it was 21st, because I know this is 16th.

136. You have sworn already that the day you took prisoners was the 21st; how do you know it was the 21st?—It was Saturday 21st; the day it began in Morant Bay I cannot tell, but I took prisoners on 21st.

137. You were not asked about the 16th to-day. What made you say this was the 16th, when you were only asked about the 21st of October?—When I go to church I hear the parson name the day.

138. Did you hear that the last witness was asked about the date of this day, and that he could not tell?—I do not understand the question.

139. Do you know Peter Phillips, who was examined here to-day?—Yes.

140. Did you see him to-day?—Yes, I meet him here.

141. Do you know that he was examined here to-day?—Yes.

142. Did you see him after he had been examined to-day?—Yes, I see him, but gentlemen of Court say not to go close to him.

143. Did any one tell you that to-day was the 16th?—Nobody tell me, but parson say 14th on Sunday.

144. Did you tell Busha, on 21st or 22nd, of what you saw on 21st or 22nd?—I did not.

145. Has anybody since told you that the date was the 21st on which you took prisoners?—Yes, I heard.

146. Who told you?—I hear Bryan, bookkeeper, talk and say it was 21st.

147. When did Bryan tell you so?—This make 12 months since him talk.

 148. When

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148. When and where was it you talked with Bryan, with gentlemen at Golden Grove?—Last year, at Golden Grove.

149. Tell us the names of the gentlemen?—Mr. Sinclair.

150. Did you, on the day you speak of as the day you took prisoners, put down any memorandum, or did anybody do so for you?—No one wrote, but talked about 21st.

151. Before the Royal Commissioners in Spanish Town, did you then, when the facts were more fresh in your memory, positively swear that the 21st was the day?—

No intelligible reply could be obtained to this query, and it is therefore repeated in another form.

152. Did the Commissioners in Spanish Town ask you if 21st October was the day?—I cannot tell; I can't write; they may have asked me, but I cannot tell.

153. Which comes first; October, September, June, April, or December?—I understand some, but I forget some. When October done, November come, when November done, December come, and when December done, January come, and when January done, February come: I remember a little, but not the rest.

It being now 4 p.m., the Court adjourns till 10 a.m. to-morrow, 17th instant.

Fourth Day, 17th October 1866.

On Wednesday the 17th October 1866, at 10 a.m., the Court reassembles at Up Park Camp, Kingston, pursuant to adjournment: present, the same members as yesterday, and proceeds with the cross-examination of Cyphus Wills.

C. Wills.
17 October 1866.

154. *By Prisoner.*] Did you ever see the officer in white clothes before yesterday, when you pointed him out at the table in this room?—I never saw him in white clothes before, but in red.

155. Was the officer pointed out to you yesterday at any time in white clothes?—No; nobody show.

[The Witness withdraws.

Sixth Evidence for Prosecution.

George Colson, Constable, residing at Duckenfield, being duly sworn, is questioned by the Prosecutor.

G. Colson.

156. *By Prosecutor.*] Do you remember the martial law time; when was it, and where did you live at that time?—Yes. November; I do not know the certain time; I do not read and write. I lived at Duckenfield at that time.

157. What parish is Duckenfield in?—In St. Thomas-in-the-East.

158. Do you remember any soldiers coming to the Iron Bridge during martial law?—Yes.

159. When was that? — They came that Sunday.

160. Are you sure it was Sunday?—No, it was not Sunday.

161. When was it then?—I cannot tell the right day they came to the Iron Bridge.

162. Did you take any prisoners to the Iron Bridge, and when did you do so? — I did on Saturday.

163. Who went with you to carry the prisoners?—Bryan.

164. Anybody else?—Cyphus Wills. Bryan gave them to me and Cyphus Wills to carry to the Iron Bridge.

165. Do you know the names of the prisoners; if so, say their names?—John M'Call was one, Tommy Miles, and Richard Walton.

166. Was there any other prisoner with you when you left Duckenfield?—There was four. Richard Francis get away in the road.

167. What did you do with the three prisoners when you got to the Iron Bridge?—When I got to the bridge, Mr. Bryan went up to the officer and call him, and when he did come, they discoursed; Bryan and the officer was talking, and he asked Bryan what did they do, and Bryan tell the officer they steal nails and rum, and directly the soldiers take them away from me, and I delivered them up.

168. How many officers did you see?—One.

169. Did you see anybody beside the officer talking to the officer? — Not directly; for a little time the officer walked off to the office and call out the doctor.

170. Did you see the officer and the doctor talking?—Yes.

171–2. Did you hear the soldiers say any thing?—No, not directly.

173. Did you afterwards?—No.

174. What did they do with the prisoners?—A little while I stood up, then I walk off about a chain, then I hear a voice say, Shoot; but who said the shoot I cannot tell, whether soldier or anybody else. Then after I hear the shoot, I did come back to the party, and I did see the men tied. Two of them were tied together, and one tied singly, and John M'Call turned his head towards me, and bowed his head to me; and there was about 12 soldiers along with them, and pushing them along the road. Then Dr. Morris was close to the soldiers who pushed them along, and the other officer was further along the road, a little further behind. Then after they went to the bamboo tree, a little lower than the smith's shop at the logwood fence, and tied them against the bamboo fence; the bamboo on one side, the logwood on the other in one line. After I see them tied, I could not bear to see any more, as the soldiers were so anxious to shoot, and I come away to my place.

175. At first, before the men were taken down the

the road past the smith's shop, what were the men tied to?—Tied to the post-office post; and Mr. Manning said, "No, must not tie them; to take them away."

176. Do you know the name of the officer?—Mr. Cullen.

177. Would you know the officer if you saw him?—Yes, I would know him.

178. Look around this room well, and point him out, if he is in the room?—

The Witness points out Ensign Cullen, the Prisoner.

179. Were any of these three men any relation of yours?—No; friends, but no family at all.

180. Did you hear guns fired off after you left, and how soon after?—Yes; I was coming away when the guns fired; not long after.

181. Have your seen any of these three men, M'Call, Walton, and Miles, since that day?—No.

182. Did the officer see and hear what was going on?—

Question withdrawn by Prosecutor.

183. How far was the officer from the soldiers with the prisoners, while they were going down the road to the bamboo fence?—A little way; a couple of yards.

184. How were the three men dressed; what had they, or any of them, round their waists?—John M'Call had a large belt round his waist; the others nothing but shirt and trousers.

185. What sort of belt?—A leather belt.

186. *By Prisoner.*] Show what you call a couple of yards?—A couple is three yards (*shown by Witness pacing on the floor three long steps*).

187. Was there a large number of people there that day?—Very; a large number.

188. Were there as many as 500?—No, not so many.

189. How many then do you suppose; was it not a market-day?—Yes; Saturday was a market-day; people all coming along, and soldiers; but I cannot say how many. I did not count them; I not able to count.

190. Do you know that plenty of officers, soldiers, and volunteers were about Hordley, Duckenfield, and Golden Grove, about that time?—Yes, I do. I know the volunteers; they were at Golden Grove. I only say what I see. One day the volunteers rode from Golden Grove to Duckenfield, and went to Dalney.

191. Did you ever see the officer before in white clothes?—No.

192. Had you ever seen the officer you spoke about, before that Saturday on which you say you took prisoners?—No.

193. Can you really recollect whether on that Saturday you were standing close to the officer, or whether there were people standing between you and him?—People were standing between me and him; Bryan was standing in the middle of him.

194. Did you not say just now that you were not near enough that day to the officer of whom you speak, to see what clothes he had on?—I did not say I observed the clothes; when I first go I was near, but not after; I did not observe what clothes he had on.

195. Did you return the same day, at the same time, with Cyphus Wills, to Duckenfield?—Yes.

196. Did you ever tell this story to the busha on the Saturday or Sunday, or to any one on oath before to-day?—No, I never tell him; but Cyphus tell him; I never tell it on oath before to-day.

197. Are you and Cyphus great friends?—Yes.

198. How do you come to know that the day you speak about was Saturday?—I know it was Saturday, 21st October. I know Saturday from Friday.

199. Can you read or write?—No, not at all.

200. Did you on that Saturday ever go further on the road than to the Iron Bridge?—From Duckenfield to the Iron Bridge; no further.

201. Do you know that the grass piece where the bodies were found was an old burial-ground, from time?—No; no burial-ground at all.

202. *By Prosecutor.*] You said that the volunteers rode round through Duckenfield negro houses to Dalney one day; was that the day you took the the prisoners to the Iron Bridge?—No, not that day.

203. You say people were standing between you and the officer; but were you standing near enough to hear what was said and see what was going on?—

Prisoner objects to this question, because it was in effect asked in examination in chief. The Witness ought to be asked where he was standing, and how far from the officer. The Court is to judge whether Witness was in a position to hear what was said and done.

To this the Prosecutor replies that the question seeks to elicit a fact. It arises out of the cross-examination, and is required to clear up the evidence which the cross-examination leaves doubtful. It is not calculated to draw an inference, but to elucidate a fact.

The court is cleared for deliberation. The Court decides that the question may be put.

The court re-opens, the decision announced, and the Witness directed to answer the question.

The only time I was quite close to the officer was when I took up the prisoners; that was the only time.

204. You say you never told this story about killing people, on oath, before to-day. Do you mean that you never told the busha on oath, or anybody else; did you go to Spanish Town?—I did not myself tell the busha on oath. I did not go to Spanish Town.

205. *By Court.*] What day then was it the volunteers rode to the negro houses at Dalney, if it was not the Saturday of which you spoke?—I cannot tell the right day, but it was not on Saturday, because it was a day when the people were working; they don't work on Saturday.

[The Witness withdraws.

Seventh Witness for Prosecution.

RICHARD FRANCIS, Labourer, residing at Duckenfield, being duly sworn, is questioned by the Prosecutor.

R. Francis.

17 October 1866.

206. *By Prosecutor.*] Do you remember the martial law time; when was it, and where did you live at that time?—Yes, it was either the 15th or 14th October. I do not recollect the time, and I lived at that time at Dalney.

207. Were you taken as a prisoner during martial law?—Yes.

208. Where were you taken to, and from what place?—To the Iron Bridge, from Duckenfield pastures, and I was taken to work to mend fence.

209. Did you go to the Iron Bridge, or were they going to take you to the Iron Bridge?—I not go to the Iron Bridge, but the constable going to carry me there.

210. How many men beside you were taken prisoners; tell their names?—Three; Richard Walton, John M'Call, Tom Miles.

211. Did the three you have named go to the Iron Bridge; and if you did not go, tell why you did not?—Yes, the three went; I made my escape; God let me go.

212. How did you escape, and at what part of the road from Duckenfield to the Iron Bridge?—God loosed the tie on my wrist and let me escape into the canes; it was about three chains from the Iron Bridge.

213. Who took you from Duckenfield; tell the names of the constables?—Bryan, a black man, a book-keeper; Halliday, no not Halliday; Cyphus Wills and Colson.

214. Where did Halliday take you from, and where to?—Halliday take me from the working place in the pasture to Phillips' yard; Phillips drove us away from the yard, and Halliday gave us to Cyphus Wills and Bryan. Bryan determined to take us to the Iron Bridge, and he took us four; Halliday did not go.

215. What do you mean by saying they took you to work for the estate; were you to be paid for the work, or what were you to work for?—I went down to the work and pick up a little nail; Halliday say I took a keg of nails; this not so. Halliday call me to work, but I not to get paid at all.

216. Was the work you were to do to be in payment for the nails you had taken?—I do not know; Halliday never tell me when he call me to work; it was on a Saturday, and he take me to Phillips' yard.

217. Did you carry back the nails yourself?—Yes, I deliver it up.

218. Is there a hut on the way from Duckenfield to the Iron Bridge?—Yes.

219. Was it when you got to the hut you made your escape?—The hut is by the barricade, and when I saw the soldiers I jump over the fence and got into the canes.

220. What did you do after you escaped?—I run into the woods.

221. You say that when you got to the hut, on the way from Duckenfield to the Iron Bridge, there is a barricade; was it at the barricade or near to it that you got into the cane-piece, which you say is called Hard-time cane-piece?—Yes; barricade one side, cane-piece the other side; logwood fence in the midst.

222. Did you hear anything while you were in the cane-piece before you got into the woods?—I heard guns fire; more than one gun.

223. When they took you to the negro houses what did they say to do with you?—They do not say anything at all, but carry me straight off; go on, knock out your damned brains.

224. Who said "Go on, knock out your damned brains"?—Bryan.

The Prisoner here requests that he may be allowed to reserve his right of cross-examination in the case of this and any other Witnesses till he enters on his defence.

The Prisoner is informed that his request is granted, the course being quite optional with him.

[The Witness withdraws.

Eighth Witness for Prosecution.

SAMUEL BRYAN, Bookkeeper at Duckenfield Estate, being duly sworn, is questioned by the Prosecutor.

S. Bryan.

225. *By Prosecutor.*] Do you remember the martial law time; when was it, and where did you live at that time?—Yes, in October last year. I lived at that time at Duckenfield Estate.

226. In what parish and county is Duckenfield?—In St. Thomas-in-the-East; Surrey, I think.

227. How long had you lived at Duckenfield Estate before the martial law?—I came to the parish at the latter end of September 1865.

228. Did you take any prisoners to anybody, and from what place and to what place, and when did you take them?—On the 21st October there were four prisoners brought to Peter Phillips' house, and they were taken down by the constables to the Iron Bridge; and on the way to the Iron Bridge one of them got away.

229. Do you know the names of the prisoners; if so, tell them?—I am not acquainted with the names, as I only lately came to the parish.

230. Did you take any of these prisoners to the Iron Bridge, and if so, to whom did you deliver them?—Three of them were taken to the Iron Bridge, and I delivered them to Ensign Cullen and Dr. Morris.

231. Did you go with the three prisoners, and who went with you?—Yes, I did; Cyphus Wills and George Colson went with me.

232. When you went to the Iron Bridge with the three prisoners, did you see Dr. Morris at first or afterwards, and how long afterwards?—The first man I saw was Corporal Beckett,—then Ensign Cullen. Dr. Morris came out to me not ten minutes after.

233. Did you say anything to Ensign Cullen?—Yes, I did. I says to him, "These men have stolen

stolen nails and other things from the estate; I beg of you, you will flog them and let them go." Ensign Cullen then said to me, I go and call the Doctor, and the Doctor came out. I repeat the same words; and he, Dr. Morris, then says to four of his men, "Get up your rifles;" and the moment they took the three men up to the fence, the Duckenfield grass fence, with their hands tied; and after they went up to the rail, I heard the report of the guns. I was sitting down on horseback at the shop-door, and I could only see about the shoulders of the prisoners. After that I saw when Dr. Morris himself take up one of the rifles from the men and load it and fire. Then I did not stop any more; I turned my horse's head and went away. On Sunday, 22nd, I was coming from Golden Grove, and I saw the three men at the rail.

234. Before Dr. Morris was called, and the men were taken to the Duckenfield fence, did you see the men tied, and if so, to what place?—Yes; they were tied coming from Duckenfield, and they carried them to the shop posts and tied them there about five minutes. The soldiers tied them to the shop posts.

235. When the men were untied from the shop posts, what sort of fence at Duckenfield were they tied to?—A bamboo rail.

236. Who went with the three men from the post office to the Duckenfield fence, where you last saw them?—Dr. Morris; Ensign Cullen went a little ways up, then he turned back; the soldiers also went.

237. On what side of the road is that bamboo rail: the same side as the post office, or the opposite side?—The opposite side.

238. On which side of the road did the soldiers stand to shoot; the same side as the post office, or the opposite side?—They stand the bottom side, same as post office, opposite the bamboo fence; the bamboo fence on one side, the men stand at the other, the soldiers stand on the river side of the road.

239. You have said you could see the shoulders of the prisoners when they were tied to the bamboo fence; could you see their heads?—Yes; sitting upon the horse, it raise me up, and of course I could see.

240. Could you also see the soldiers at the same time?—Oh, yes; I saw them.

241. Then could you see when the soldiers fired their guns?—Yes, I did.

242. Could you see any motion in the shoulders or heads of any of the three prisoners when the guns were fired?—Yes; I saw them when the guns were fired stoop their heads forwards; I mean, their heads dropped forwards.

243. Mention to the Court, as near as your memory serves you, and try and remember the names of the people you saw present on that occasion other than the soldiers and officers?—There was Cecilia Robinson, Shopkeeper and Postmaster Manning, Anderson, Abraham Donaldson, Duany, Hamilton; there were more there, but I could not tell the names; I do not remember the names.

244. How did you know Ensign Cullen?—I remember him the week before he come to the bridge; I was in company when he went to Bowden-wharf, when they go on board the "Wolverine."

245. Would you know Ensign Cullen again if you were to see him?—Yes.

246. Point him out, if he is in court?

The Witness points out Ensign Cullen.

247. How far down towards the bamboo fence did Ensign Cullen go with the soldiers and the prisoners?—He go about four yards; he go a little way from the shop door, and then turn back.

248. Did he go far enough to see what the soldiers did?—Yes, I think he could; to my knowledge he could have seen them.

249. Did you hear any order given or any words said about shooting prisoners, before they were taken away from the shop posts down to the bamboo fence?—Yes; I heard when Doctor Morris said to his men to take up their rifles and carry down the prisoners. I did not hear the word "shoot." I did not hear Ensign Cullen say anything.

250. Did you hear any of the soldiers say anything about "shoot" or "shooting"?—Yes; I did hear some of them make the remark of shooting.

251. State to the Court, as near as your memory serves you, the exact words you heard; and were they said in Mr. Cullen's hearing?—I heard a soldier say, "You must say your prayers; I will let your bloody soul fly in five minutes!" but I cannot say if Mr. Cullen heard this, as he was turning back to go into the post office.

252. Where was Ensign Cullen standing at the time when Dr. Morris say to the men to take up their rifles and carry down the prisoners?—They were both together.

253. Did you see Ensign Cullen and Dr. Morris having any conversation before that?—At the same time they were both whispering along together, but I could not hear what they said.

254. Where was Dr. Morris when you got to the post office with the prisoners?—He was inside Manning's private part of the post office.

255. Do you know who called him out?—Ensign Cullen.

256. You say you went back to the post office on Sunday, 22nd; did you on that day go to the bamboo fence, or near to it?—I ride up near to it, where the men were lying down; they were dead; their heads smashed up.

It being now 4 p.m., the Court adjourns till 10 a.m., the 18th instant.

Fifth Day, 18th October 1866.

On Thursday, the 18th October 1866, at 10 a. m., the Court re-assembles at Up Park Camp, Kingston, pursuant to adjournment; present, the same Members as yesterday, and the Examination in chief of Samuel Bryan is proceeded with.

S. Bryan.

18 October 1866.

256.* *By Prosecutor*] What do you mean by lying down; were they still tied to the bamboo fence?—Both their hands were tied to the bamboo fence, and they lay down so (*described by Witness placing his hands together and hanging his body away from the hands*).

257. Were their hands tied behind them to the fence, or how?—They were tied to the fence, their backs to the road.

258. Are you sure the dead bodies you saw tied to the fence on Sunday, were the bodies of the same three men you took to the post office, the day before?—Yes.

259. *By Prisoner.*] What time of the day was it you arrived at the Iron Bridge with the three prisoners you say you carried there?—Well, I think it was about 12 o'clock.

260. How long did you remain at the Iron Bridge after you had delivered up the prisoners, as you have alleged?—Well, I remained about ten minutes.

261. What is your means of knowledge for saying the prisoners were brought to Phillips' house on 21st October last year?—It was on a Saturday, the 21st October, the very day they were shot at the Iron Bridge.

262. Can you read and write?—Yes.

263. You say the people present beside yourself, when you took the prisoners, were Cecilia Robinson, Postmaster Manning, Anderson, Abraham Donaldson, Duany, and Hamilton. Cannot you try now and tell the names of some of the other people; and if you cannot tell their names, how many more in number were there?—No, I cannot remember; I tell the Court yesterday I only lately come to the parish, and therefore I not know the names, except what I tell already; I think there were over 20 there, it was a Saturday and plenty people come to the shop. I was so excited about the soldiers' doing, I did not count people. I turned my horse back; one of them nearly shoot me for my own stick.

264. What is Anderson's first name, and what was he a short time before the rebellion?—I cannot say; I do not know his name. I think he was a saddler; when I went to the shop, I see him working at the saddle trade.

265. Are you a friend of Anderson's?—No; I cannot be a friend of his, as I only come to the parish. I do not know where he lives; I only see him at the post office.

266. Are you not aware that Anderson was flogged at Golden Grove during the rebellion as a rebel?—I see him flogged at Golden Grove; I cannot say what for.

267. You stated yesterday you were book-keeper at Duckenfield; are you so now, or do you mean you were so during the rebellion?—I was book-keeper up till the Monday, the last Monday when I come to Court; my situation is open to me when I go back; the overseer gave me leave to come here.

268. How many soldiers did you see fire their guns; or did you only hear the report of guns?—I heard four report of guns; I saw four soldiers fire; then Dr. Morris take the gun and make the last shot.

269. Before you were examined yesterday, did you ever mention the occurrence you have yesterday and to-day detailed in your evidence to any one, and to whom, and when first did you mention it?—No, not to my remembrance; I saw Mr. Cullen and Mr. Williams at Duckenfield House, after the examination was taken by Mr. Jackson at Golden Grove a few days after, but I did not tell anything but what I say before the Court.

270. Was I present when Mr. Williams was speaking to you, and were you leaving first as I came in?—He was sitting at the door, and as me and Mr. Williams were speaking, he came up.

271. What time of the day on Sunday did you see the bodies you have mentioned you saw?—Well, I think it was about 10 o'clock I saw the dead bodies.

272. What day were you summoned to appear before this Court?—On the 16th; I was summoned to appear at Port Morant; I did meet at Port Morant; I was then discharged by Mr. Jackson, until I get a further subpœna to return to Kingston; at Up Park Camp on the 16th October.

273. Do you know a person of the name of J. L. Dight at Duckenfield Estate, or Dalney; and when last did you see him?—I know one of the Duckenfield book-keepers named Dight; I leave him at Duckenfield on Sunday night last, when I was starting for Kingston.

274. Do you remember having had, two days before you were summoned to appear before this Court, a conversation with him at Duckenfield, in St. Thomas-in-the-East, or about that time, during this month?—I had a conversation with Dight the same night, a Sunday night, when Mr. Williams and Ensign Cullen were at Duckenfield House. I was sent for by the overseer's request; after I returned from the overseer's house to the book-keeper's barracks, Dight was sent for, and when he came to the barracks, I ask him what did they send to call him for; he replied to me that Mr. Williams was questioning if he can give any evidence about the three men that was shoot at the Iron Bridge, during the martial law. He says to me, "I don't know nothing at all about it, for during when the rebellion was here, I was a book-keeper at Vere," but I cannot mention the estate, as he did not tell me; that is the only conversation I and Dight had.

275. In that conversation do you remember saying to Dight that you wished every white man was hung, or words to that effect?—I deny that; Mr. Williams asked me that already, but I deny it. Dight made up that. I have better sense than that.

276. You stated you only remained 10 minutes after you delivered the prisoners, owing to your being so excited; now, all you have mentioned about the shooting of the three prisoners, as alleged by you, did all take place in 10 miuutes?—I said

I said about 10 minutes; perhaps it was more. I had no watch about me.

277. Have you, since the 22nd October 1865, or lately, seen the fence to which you say the men were tied; and when last did you see it; and is it in the same state when you last saw it, as when you saw the prisoners tied to it, as you have stated?—Yes, I saw it last Sunday; it is not in the same state; it has been repaired; it was tumbling down and we made it up new again, round the grass piece.

278. How many times has the fence been cut down since the 22nd October 1865?—I forget the date now, but it has been cut down once just after the men was shoot; I think that was in November 1865; and in 1866, two weeks before I came here, it was repaired again; I mean the logwood fence, and by repaired, that it was trimmed right through. All these questions were asked me by the overseer, and he sent it to Mr. Cullen, and the names of the party who repaired the fence; the first in 1865 was Charles Johnson; he take it for a job; and in 1866, Charles Johnson, William Forster, and Hannibal Phillips; those men repaired it in 1866.

279. *By Prosecutor.*] Don't you know that if you had said such words as "I wish every white man was hung;" or if the overseer or attorney for Duckenfield had heard or believed that you said so, they would have immediately discharged you?—I don't believe they would have keep me up till now.

280. What sort of a fence does a logwood fence make at the top; is it a thick or thin fence, before trimming I mean?—It is thick before trimmed. It grows about a foot from where the fence is trimmed.

281. Can an object, such as a man's shoulders, be seen through the top of a logwood fence, even when not trimmed?—Oh yes.

282. Did you, in point of fact, see the head and shoulders of a man standing at the bamboo fence through or over the logwood fence before it was trimmed, that is, in the month of October last?—Yes, I did. I saw through as if I was looking through the jalousies of this window.

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283. *By Prisoner.*] What sort of foliage has logwood; I mean large or small leaves, and are the leaves thick or thin?—Oh, very small leaves, and the leaves are thin.

284. *By Court.*] Where was Ensign Cullen when the soldiers fired?—To my knowledge he was at the place where one road goes over the bridge and the other road goes to Holland Estate; on the high road leading to the bamboo fence.

285. When you saw the dead bodies of the prisoners at the bamboo fence on Sunday, did you examine them, and could you, from the marks you saw, judge the cause of death?—Yes; I went up and look at them, and I saw their heads all mashed up; that was the cause of death; they were all bloody, and I saw brains. I remained on my horse. I saw no other marks on their bodies. I said I went up and sit on my horseback; I saw the three men's heads all mashed up, and their brains showing, and bloody. I then returned home.

286. On the 22nd October 1865, how high was the logwood fence between the post office and the bamboo rail, before the logwood fence was trimmed or cut lower?—From the ground to where the fence is trimmed is about five feet, and then the top grows about a foot higher.

The Witness is directed to show on the wall of the room about the height of the hedge when trimmed; and on his doing so, this height was measured in Court and found to be four feet three inches.

[The Witness withdraws.

The Prisoner here informs the Court that he does not intend to call Richard Francis, whose cross-examination he yesterday requested might be postponed till the defence was entered upon.

Ninth Witness for Prosecution.

ISAAC CORNWALL, Shopkeeper at Amity Hall, being duly sworn, is questioned by the Prosecutor.

I. Cornwall.

287. *By Prosecutor.*] Do you remember the martial law time, and where did you live at that time?—I do remember it. I lived at Amity Hall then. Amity Hall is in the parish of St. Thomas-in-the-East, in the county Surrey.

288. Do you remember anything particular happening during martial law time; and, if so, state to the Court what it was?—On Saturday, 21st October 1865, last year, I have occasion to go to the post office at Plantain Garden River. Whilst there the troops came down and met me there. I observed one of the soldiers, who I identify since I have been here, had two bottles in his hand, and according to the labels I said, "They two bottles from my shop." He said, "By God, we drank plenty there." I went back to my shop and was told by the person I left there.

The Witness was here interrupted by the Prisoner, as he was merely telling the Court what had been told him; not facts within his own knowledge.

The Witness resumes.

I went back to the bridge and gave to Ensign Cullen (*whom the Witness points out in Court*) my account. He said to me the other officer was resting, that I was to wait. I suppose he meant the doctor. Then I moved off.

289. You say you saw Ensign Cullen there; did you hear anything said in his presence about prisoners; and if so, what was it?—No, nothing; there was no prisoners there at that time.

290. Did you see any white person connected with the military at the post office with Ensign Cullen; and if so, state his name if you know it?—I alluded to the serjeant-major; I do not know if he is a white person, but I think he is; I do not know his name.

291. Did you see any other white person?—I did not see any other white person.

292. After you left to return to Amity Hall, did you hear any noise or report, and what was it?—I heard a report of guns.

293. Did you see the detachment of soldiers as they passed through Amity Hall to go to the post office; and if so, state what officers were with them?—I saw them at the Iron Bridge; I did not see them pass through Amity Hall; when I saw them there were two officers with them,

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one being the serjeant-major; I did not see them all; I rode away because they take mules, so I only saw part; if I had not ridden round away from them I should have met them all. I took no particular notice of the officers the first time.

294. You spoke of a doctor; if you know his name, state it?—Dr. Morris.

295. Are you certain, then, that Dr. Morris and Ensign Cullen were at the Plantain Garden River Post Office on 21st October 1865?—Quite certain.

296. *By Prisoner.*] Did you not say you only saw Ensign Cullen and another white officer; the serjeant-major, whom you call an officer?—Yes; but when the company was returning to Manchioneal I saw Dr. Morris, and I asked a soldier if that was the doctor that was lying down yesterday; and he told me, "Yes."

297. Did you see Dr. Morris on 21st October 1865?—I did not see him personally.

[The Witness withdraws.

Tenth Witness for Prosecution.

CECILIA ROBINSON, residing at Dalney, being duly sworn, is questioned by the Prosecutor.

C. Robinson.

298. *By Prosecutor.*] Do you remember the martial law time; where did you live at that time, and in what situation?—Yes; I was cooking for Mr. Manning at the Iron Bridge Post Office.

299. Do you remember any prisoners being brought to Mr. Manning's shop, the Plantain Garden River Post Office; and, if you do, tell when, if you can, and, also, what you saw?—Yes; it was a Saturday in October, I don't remember the date; 12 months ago I was in the back part of the kitchen, and Mr. Manning called me round to the front, and say I must get a cup of tea for the doctor, and I saw three men tied; one tied this way, one that way, and the other that way, before the shop-door. After I brought in the cup of tea, I asked the boy outside what they going to do with them, and I hand the cup of tea to the doctor, and I was standing up to the door where the men were tied. I see the doctor drink the tea, and come outside to Mr. Cullen, and the two went along, and I went back to the kitchen. When I was in the kitchen I heard guns fire, and I asked what they shot; and they say three men were shot. Then after, when I come out of the kitchen, I saw the soldiers coming back to the shop.

300. You say you saw three men tied; to what were they tied; and if you know the men's names, mention them?—They were tied to the posts of the shop-door; their names were Richard Walton, Tommy Miles, and John M'Call.

301. Do you mean the shop-door, or the posts supporting the shed in front of the shop?—To the posts supporting the shed.

302. Did you see the soldiers go down the road with the prisoners, and who else did you see go down the road with the prisoners and soldiers?—Yes; and I see Mr. Cullen and the doctor, Dr. Morris.

303. Do you think you would know Ensign Cullen again if you see him; if so, stand up and look around and point him out, if he is in this room?—Yes, I would know him (*Witness identifies Ensign Cullen*).

304. Could you see the place at which the guns which you heard were fired, from the place you were at, when the soldiers and prisoners were going down the road?—Yes; I could see the place; I did not see the place when the guns fired, but when I come round to the front, I could see the place.

305. Where were you standing when the guns were fired?—In the kitchen.

306. Then the Court is to understand that from the kitchen you could not see all the way the soldiers and prisoners went?—From the kitchen you can see all the way the soldiers and prisoners went; it was the back part of the shop, when you stand up you can see all the way along; I did see them go all the way along, until they stopped.

307. Where did they stop, and what did you see them do?—They stop at the bottom part of the bridge, along the bridge. After the soldiers went away I did not see them fire; I in the kitchen, and after the soldiers went away I went a bit of the road and I saw two of the men tied with a rope, with their bodies bent this way (*illustrated by bending forward the upper part of the body*), and one was Richard Walton. I could not bear to look at the others, and a few of the soldiers asked me if I were crying; if I want any more, two or three not enough; they say they want more, two or three not enough. After the guns were fired I came round to the shop-door, and I left the soldiers standing at the shop-door, when I went down towards the bodies; the soldiers had then come up.

308. From what part of the kitchen did you see them going down the road?—I was standing at the kitchen-door, front of the road.

309. Where is the kitchen?—The kitchen is at back, away from the shop, near the river; you stand in front of kitchen and look upon road; the kitchen near the place where we get water from the river.

310. Did you see them tie the prisoners, and to what were they tied?—I did not see them tied, but I went down after and see them tied to bamboo fence.

311. How were they tied to the fence?—I saw Richard Walton tied with a rope round his waist, and his hands tied a-back of him; the rope tie him to bamboo fence. I did not look upon the others to see how they were tied.

312. When you went down were the men alive or dead?—Dead. Richard Walton's brains were mashed up and the head; this was after the soldiers came back I went down and saw this.

313. Are you certain the three men you saw dead and tied to the bamboo fence were the same three men, named Richard Walton, Tommy Miles, and John M'Call?—Yes; I know Richard Walton, for we live in one place.

314. Did you know anything of any of these three men before the day you were speaking of; were they friends or relatives of yours; and were they Creoles or Africans?—Yes, I know the three of them; no friends; no family to me; I only see them; two were Creoles; Richard Walton was an African.

315. Did you, at any time during that day, see Ensign Cullen and Dr. Morris speaking together?—No, not after they shot the men; I never

never see them before they shot the men; when I give the cup of tea, the doctor was laying upon the table. Dr. Morris, when he drank the tea, he came outside to Mr. Cullen, and they speak. *C. Robinson.* 18 October 1866.

316. Did you see Ensign Cullen return from the place where the three prisoners were tied?—Yes; I see them when he and Dr. Morris was coming up the road.

317. When was this?—After they shot the men; after I heard the guns fired.

318. What did they do when they came up; or what did Ensign Cullen do?—I do not know what they do, for I went back to the kitchen.

319. Do you know what became of the bodies of these three men?—Yes, buried. On Sunday morning I saw people come down to bury the bodies; they were buried in the Duckenfield grass piece, below the Iron Bridge, near enough the bamboo fence.

320. Was it near to the bamboo fence to which they were tied; just inside, or how?—Inside; not too near, about three chains.

321. What is a chain.?—I do not know what a chain means, but I mean about 12 yards off the fence.

322. Did you see the men digging the graves; and could you see it from the shop; that is, the post-office?—Yes, I see them; you can see from the post-office where the man digging the grave.

323. *By Prisoner.*] Were the men buried in three graves or in one?—I don't know; I don't positive, if it three graves or not.

324. What time of day did the people come to bury the bodies, and what day of the week was it?—I cannot tell the time of day, but it was a Sunday; it was about 9 or 10 o'clock.

325. Do you remember being charged before me, at Manchioneal, for stealing a soldier's havresack and money?—I remember the man taking me up, but he steal the thing. I not do it; you ought not to bring that; I did not come here for that; I never steal soldier's money.

326. Is not the kitchen-door facing the river?—It does not face the river; it face the road where the men go down to be shot.

327. How long after the report of the guns did you go to see the bodies; was it an hour or two hours, or how long?—It was not too long, nor too short; it was not an hour.

328. Are we to understand that you did not see the prisoners shot, but simply you heard the report of guns; or what is your evidence on this point?—I did not see the guns fire, but I heard the guns when I was in the kitchen, and then I came out.

It being how 4 p.m. the Court adjourns till 10 a.m., the 19th instant.

Sixth Day, 19th October 1866.

On Friday, the 19th October 1866, at 10 a.m., the Court re-assembles at Up Park Camp, Kingston, pursuant to adjournment—present, the same Members as yesterday—and proceeds with the Cross-examination of Cecilia Robinson.

329. *By Prisoner.*] Were you examined before the Royal Commissioners in Spanish Town, at Bath, or Morant Bay, or Golden Grove?—Yes; at Golden Grove.

330. Was it on oath; if it was, before whom?—Yes; before Colonel Daniell and Mr. Jackson.

331. Do you know if Colonel Daniell or Mr. Jackson had any power to examine on oath? Are you quite sure they swore you on the Bible?—I do not know; I did not kiss no Bible; they call me and tell me I must tell what I know.

332. Have you been a servant of Manning during this year?—Not now; I went away. I left about three months ago.

333. Don't you know you were his servant in March?—Yes, I was in March; this is October.

334. Are you quite sure you saw graves dug; more than one?—I do not know whether three graves or one.

335. Did you see with your own eyes, while the earth was being dug?—I was standing up in the shop, seeing the people digging the grave.

336. Don't you know that Manning went to be examined in March, before the Queen's Commissioners, at Morant Bay?—I know he went to Morant Bay, but I do not know the date of the month. I do not know what he went there for. I do not remember what month.

337. Did you ever kiss the book before Mr. Gurney or Mr. Maule, anywhere in St. Thomas-in-the-East, or in Spanish Town, at any time?—No.

338. Do you know that Manning fled from his shop, and was concealing himself during the rebellion? 19 October 1866.

The Deputy Judge Advocate here intimates his opinion that this question rather deviates from or oversteps the ordinary rule observed in impeaching a witness's character, and quotes the rule "that the credit of a witness may be impeached by the deposition of other witnesses as to his general character, but not as to particular parts of his conduct or facts not relevant to the issue."

The Prosecutor also objects to the question, because the Court is not trying Manning; it is trying Mr. Cullen; because even if all that is assumed in the question, be true, it in no way affects the testimony which the witness is to give, nor can affect it in any way; because the Court is not justified in assuming that Manning is to be called as a witness, or is to be in any way before it; because if Manning's conduct is to be thus inquired into, he claims the right to call witnesses to support his character, and the Court will thus be trying two issues together.

To this the Prisoner rejoins thus: "The law referred to by the Deputy Judge Advocate is perfectly right, but it has no application whatever to the present question. This is not a question as to any particu-

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lar acts or points on which Manning is to be examined, so as to contradict him, but only as to general character, motive and bias. I have a right to ask a question as to the general bias, motive, character of a principal witness against me; the result will be, if the Court disallows this mode of examination, that I must recall this witness and be forced, most hardly, to call her or him as my own witness in defence. I have a right to show by any means (surely by the testimony of a witness for the prosecution) that Manning's general character, motive and bias, is such as to damage his credibility as a witness. The Court has already decided the same question. I am at the same time quite willing to adopt any course that the Court may think right, so that the whole truth, and the true character and bias of all the witnesses, on whose respective credibility this case is to depend, as to the truth or falsehood of the charge for which I am being tried, which may result in the most fearful disgrace which can fall on an officer. The reasons given by the prosecutor are wholly beside the point at issue; the credit of a witness is a material point for the consideration of the Court. Witnesses for the Crown and for the prisoner are constantly allowed to be examined to the point, that a man whose character is under scrutiny is not to be believed on oath without any previous question asked of the witness himself. Surely it is also a matter of credibility of a witness, if he is so swayed by bias, by passion, by religious or political feelings, by being so much concerned in this very rebellion, as to render his testimony utterly unworthy of belief. Does the prosecutor really think that the only course to test the character and credibility of a witness is wholly by the witness himself, whose character for credibility is impeached? If the prosecutor will pledge himself not to call Manning as a witness, his name having already been given in to me, I will not further take up the time of the Court, or if the Court will allow me to enter at a future stage upon the same question, as to character and credibility, I will willingly forbear to pursue this line of cross-examination. There is no doubt whatever that the prosecution would have a right to rebut evidence as to bad character, and those versed in practice in the ordinary courts of justice surely must be aware that this is allowed to be done, although it is always deemed a most unusual course in a criminal prosecution. I again ask, how can this Court judge of the credibility of a witness, unless informed on oath, by cross-examination on oath, of the real character, motive and bias of every witness brought before them? I again submit that the Court has already decided this same point in my favour already; why is it that the character of Manning is so feared by the prosecution? "

The Court decides that the question is inadmissible, as it is a question impeaching the character of a person, put to a witness with reference to a particular part of the conduct of that person.

The Prisoner inquires whether he is to understand, as to this question just decided against him, that he is to be allowed to recall the witness and question her as to the facts referred to in that question, or that the Court will do so. If neither of these alternatives is adopted he will lose the benefit of any knowledge of the witness on this point.

The Court decides that there will be no objection to this witness being recalled, but that it will depend on the nature of the questions intended to be put, whether they will permit them to be answered, the principle being observed as just decided on.

339. *By Prisoner.*] Did Manning remain at his place of business after the day of which you speak, or did he go away, to your knowledge?—He was there the day the people were killed, but he was away on the Sunday morning.

340. Do you know of your own knowledge where Manning went?—I don't know; he did not tell me where he going.

341. Do you know of your own knowledge how long Manning was absent, from that Sunday morning, from his place of business, the shop and post-office?—About a week.

342. Do you know of your own knowledge why Manning went away for about a week from this Sunday morning?—I don't know.

343. As a fact, have you ever, since that day of which you speak to this day, spoken to Manning about this matter; say yes or no?—Yes, one day.

344. Can you read or write?—No.

345. Will you undertake to swear that Manning ever left the shop and post-office at *all* that day of which you speak, whilst any soldiers were there on the day you speak of?—He did not left the shop when the soldiers were there.

346. How many people altogether were there, on this day of which you speak, about the post office and iron bridge; the day on which you say the soldiers were there?—I don't know; I no count them.

347. How long were you a cook of Manning, or otherwise in his employment?—I do not know how long.

348. Whilst Manning was absent the week you spoke of, did any soldiers inquire of you for him?—I don't remember any.

349. Do you really positively swear that you do not remember that soldiers did inquire for Manning whilst Manning was absent during that week from you; will you swear that no officer or soldier inquired about that time from you?—I do not remember any soldier, but I recollect Dr. Morris inquire for him.

350. Do you go to Manning's chapel, in St. Thomas-in-the-East?—I don't know Manning's chapel; I attend the church.

351. Will you really swear before this Court that you don't know Manning's chapel?—I never been to Mr. Manning's chapel; I go to church; I don't know what chapel Manning attends, Wesleyan, or anything else..

352. Then Manning has got a chapel; is that so?—I don't know.

353. *By Prosecutor.*] You said Dr. Morris asked for Manning while he was absent; what did Dr. Morris say?—

Prisoner objects to this question.
Prosecutor therefore withdraws it.

354. What time of the day on Sunday did Manning go away; what hour?—I can't say what hour.

[Witness withdraws.

Eleventh Witness for Prosecution.

ABRAHAM GEORGE DONALDSON, Servant of Mr. Manning at Plantain Garden River Post Office, being duly sworn, is questioned by the Prosecutor.

A. G. Donaldson.

19 October 1866.

355. *By Prosecutor.*] Do you remember the martial-law time; where did you live at that time, and what was your occupation?—Yes, I remember; I lived then with Mr. Manning; I was his servant.

356. Are you employed in the service of the Plantain Garden River Post Office?—Mr. Manning employ me; whatever he order me to do I do.

357. Do you remember anything particular happening shortly after the martial law began; if so, state the date, if you remember it, and what happened?—Yes; 21st October, three men were brought to the Plantain Garden River Post Office. When they brought to Ensign Cullen, he order them to be flogged; they applied to Mr. Manning for twine to make cats, and they were tied to a post; the post office post in the piazza. Afterward some conversation took place with Dr. Morris and Ensign Cullen. Dr. Morris order them to be shot, and they were loosed from the post and taken down to the fence; I cannot say who loosed them, but by the soldiers; they were tied to a bamboo fence, and they were shot. This is what I do know.

358. Who brought the prisoners to the post office?—They were brought by Colson, Phillips, Wills, and Bryan.

359. Did you hear who asked for the twine; if so, state it?—No; I saw Mr. Manning give the twine; I do not know who asked for it, but the soldiers.

360. Are you sure that Phillips accompanied the prisoners?—Yes.

361. Who went with the three prisoners to the bamboo fence?—Dr. Morris went, and Ensign Cullen went half part; soldiers went too.

362. Did you go down to the bamboo fence, or any part of the way?—I went but a part of the way; not so far as Dr. Morris is.

363. Did you go near enough to see what was done?—Yes.

364. Did you then see the prisoners tied to the fence?—Yes, I near enough that I might see.

365. Who tied them?—Tied by the soldiers.

366. Did you see them shot?—I was there when they fired; yes, I was there when they shot; I see them with my own eyes shot.

367. Who shot them?—They was shot by the soldiers.

368. What became of the dead bodies of these three men?—They were buried the next day.

369. Where did the bodies remain till they were buried?—At the same spot; the same fence where they tied.

370. How long before they were buried were they untied from the fence?—They tie at the same fence till they ready to bury them.

371. How far do you think that bamboo fence is from the post office?—It is about 80 yards from the bamboo fence to the post office.

372. Was it the people who buried them that untied them from the fence?—Yes.

373. Did you see the bodies buried?—Yes.

374. Do you know who buried them; if so, say who?—I know a few of their names: Zachariah Bayley, John Wright, David Thomas, Harriett Warren, Richard Taylor; the other names I don't know.

375. Did you see the bodies dug up?—Yes.

376. Was it the same or some of the same people who buried the bodies who dug them up?—The same persons who bury them is the very same who dug them up again.

377. In how many graves were the bodies buried?—In one.

378. Are you certain that the bodies which were dug up were taken out of the same grave into which the three men who were shot were buried?—Out of the very same hole.

379. How did you know Ensign Cullen?—I know him by the soldiers.

380. Would you know Ensign Cullen again if you see him; if so, stand up, look around, and point him out if he is in court?—Yes (*the Witness identifies Ensign Cullen*).

381. Do you know the names of the men who were shot?—Yes; John M'Call, Thomas Miles; I do not know the other man name.

382. Were any of these men relatives or friends of yours?—No.

383. *By Prisoner.*] Which was the first day on which you came up here as a witness?—I came on last Monday.

384. Have you been in company with Manning or any of the other witnesses since the day you came up?—I was with the other witnesses, outside here; in the meantime, all together.

385. Have you been day after day since Monday in the piazza of this building with all the other witnesses, and seen the officer whom you call Ensign Cullen brought into this room in charge of another officer?—Yes.

386. In answer to questions before the Royal Commissioners, did you not swear that you did not see Manning there at all; "Not at all; no;" in those words?—He did not go down as far as I went; he stood at the piazza.

387. Was this question asked you in Spanish Town, when you appeared before the Royal Commissioners: "You are certain you heard nothing said to the three men by any soldier before they did fire?" did you answer, "No; nothing was spoken. I did not hear"?—Yes; I think I was asked that question. If anything was spoken I did not hear.

388. Were you also asked by the Royal Commissioners, "Were you nearer than Mr. Manning?" did you answer, "I did not see Mr. Manning there;" and did you not further answer, "I did not see Mr. Manning there"?—Yes; I was asked that. I did not see Mr. Manning there; he was further up.

389. Were you not asked the question before the Royal Commissioners, "Where were their graves, and in how many graves were they buried?" and did you not answer, "I cannot say how many"?—I was asked that question, and I did make that answer.

It being now 4 p.m., the Court adjourns till 8 a.m. the 20th instant.

SEVENTH DAY, 20th October 1866.

On Saturday, the 20th October 1866, at 8 a.m., the Court re-assembles pursuant to adjournment: present, the same Members as yesterday, and proceeds with the Cross-examination of ABRAHAM GEORGE DONALDSON.

A. G. Donaldson.

20 October 1866.

390. *By Prisoner.*] IN answer, before the Royal Commissioners, to a question, "Did you see them (the bodies) buried;" did you answer, "I was not there; but they were buried on Sunday morning"?—Yes.

391. In answer to a question before the Royal Commissioners, "Before they fired, did you hear anybody give an order;" did you not answer "No"?—I was asked that question, and I said "No."

392. In answer to this question before the Royal Commissioners, "You say the soldiers went back and fired; did you hear anybody say anything before they fired;" did you answer "No"?—I answered "No" to that.

393. In answer to a question before the Royal Commissioners, "You are certain you heard nothing said to the three men who fired by any soldier before they did fire;" did you answer "No, nothing was spoken; I did not hear"?—My answer was, "If anything was spoken, I did not hear." I said that to the Commissioners, and I say so now.

394. In answer to a question before the Royal Commissioners, "You cannot say if Ensign Cullen went or not" (meaning down to the grass piece at the firing); did you answer "No"?—I did say "No" to that question.

395. Before the Royal Commissioners were you asked the question, whether "You were nearer than Anderson;" did you answer "Yes"?—I did say so.

396. In answer, before the Royal Commissioners, to a question, "Who gave the order to fire?" did you answer, "I don't know"?—Yes, I made that answer.

397. In answer, before the Royal Commissioners, to a question, "Who ordered the men to be shot; not Mr. Cullen?" did you swear "Mr. Cullen did not order the men to be shot"?—Yes, I made that answer.

398. In answer, before the Royal Commissioners, to a question, "Mr. Cullen did not order them to be shot;" did you answer, "No, he ordered to flog"?—Yes, that was the answer I made.

399. In answer, before the Royal Commissioners, to a question, "Have you seen the graves since?" did you not answer, "No"?—Yes, I made that answer.

400. Was the following question put to you before the Royal Commissioners, "You said, how many prisoners there were;" did you answer, "Three." Were you further questioned, "Do you know the names?" did you answer, "One of them." Were you asked, "What was the name?" did you answer, "John McCall"?—I did say three; and I was asked the other questions, and made those answers.

401. Were you not asked the following question by the Royal Commissioners, "When did you first tell this story after it had happened; to whom did you first tell this after you had seen it; when did you tell it to any one afterwards?" did you, to this question, answer, "I tell it to nobody except Manning"?—Yes, I did say so.

402. Were you further asked by the Commissioners, "Never at all" (meaning, never telling this story at all); did you again answer, "No, I never told anybody, only Mr. Manning"?—Yes, that was what I said.

403. Were you again asked by the Commissioners, "You say this was Saturday, and you saw all you have been telling us; when did you tell anybody you had seen it;" did you answer, "I tell nobody"?—Yes, I said so.

404. Can you tell about how many people were there on that day when you say the soldiers all came to the post office; were there near 500 or 1,000?—No, not 500 or 1,000; I cannot tell how many.

405. Were there so many that you could not count them?—No.

406. Did you go further from the shop than to the Iron Bridge on the day when you say soldiers came to the post office?—No.

407. To the best of your knowledge, did Manning ever leave the shop and post office at all on the day on which you say the firing took place while the soldiers were there?—No; only when the firing, he went to the piazza to look.

408. Are you in Manning's employment now; how long have you been so?—I am; and I have been about 22 months.

409. Are Cecilia Robinson, Abraham George Donaldson, now, or have they been lately, in Manning's employment; if so, how long have they been so?—I am in his employment now; Cecilia Robinson is not; she was during the martial law.

410. Do Duany and Bryan and Cyphus often come to Manning's shop?—Yes.

411. Has Cecilia Robinson been in Manning's employment since martial law, and up to what time this year?—She was in his employment during martial law; but I do not recollect when she leave.

412. When and where, and at what place, were you served with your summons to attend this court?—At first, at Plantain Garden River, on Sunday; the next, at Morant Bay, on Tuesday;—no, Wednesday morning, not Tuesday.

413. Has she (Cecilia Robinson) been in Manning's employment this year, and at the same time with you?—(*Question withdrawn by Prisoner.*)

414. At what house were you served on the Sunday to come here?—At the Plantain Garden River post-office.

415. Was Manning present when you were served on the Sunday at Plantain Garden River post-office?—Yes.

416. Is that shop or post-office ever used as a meeting-house for people to come to on Sunday; has it ever been so used, to your knowledge?—No, it never been used so at all.

417. Do you go to Manning's chapel, and hear him preach?—No. Has he a chapel?

418. Do you go to church or chapel, or meeting house?—I never go to meeting-house; I go to Golden Grove church.

419. Do you know, yourself, if Manning holds, or

or used to hold, meetings at night anywhere in St. Thomas-in-the-East?—Since I knew him, I never saw him hold any, or go to any in the night.

420. Were you present at any meeting held by him at night in July 1865, at or near Golden Grove or Duckenfield?—No.

421. Do you know, yourself, if Manning preaches anywhere, or used to preach anywhere, in St. Thomas-in-the-East?—Hard for me to tell; for I do not know who make him a preacher.

422. *By Prosecutor.*] Did you at any time before or after the 21st of October last year, identify Ensign Cullen, and did you on that occasion point him out from a number of other officers with him; were all at one and the same time presented to your view; and if so, state when and where?—I saw him with Mr. Williams and Mr. Georges. I point him out at Spanish Town, when there were other officers with him altogether; last March. What I said about Mr. Williams and Mr. Georges means, the last time I saw him at Plantain Garden River.

423. When you said before the Royal Commissioners that you did not see Manning there at all, did you mean that you did not see him at the post-office that day at all, or at the place where the men were shot?—

The Prisoner objecting to this question, the Prosecutor withdraws it.

424. Did you see Manning on the 21st October last at the post-office?—Certainly.

425. Did you see him anywhere near the place where the men were shot on that day?—

The Prisoner objecting to this question, the Prosecutor withdraws it.

426. What then did you mean when you said before the Royal Commissioners that you did not see Manning "there" at all?—I meant where the men were shot.

427. When you said to the Royal Commissioners that you told nobody, what did you mean?—I meant I told Mr. Manning at the same time; but afterwards I speak to strangers.

428. Up to the time of giving your evidence before the Royal Commissioners in Spanish Town, had you spoken about the shooting of the three men to any other person than Manning?—I do; to strangers.

429. *By Court.*] Did you know Ensign Cullen's name before you went to Spanish Town to give evidence. Had you heard his name mentioned during martial law at Golden Grove?—I know his name at Plantain Garden River. I know his name the day he came from Manchioneal; before I went to Spanish Town. I am not certain whether I heard his name at Golden Grove.

430. You told us yesterday you saw the bodies buried; and you said to-day that you told the Commissioners at Spanish Town that you were not there; how came you to say one thing to us and another thing to them?—I was at the post-office on the Sunday they were buried. I meant I was not at the very spot; I thought they mean the very spot.

431. You said Dr. Morris ordered the three men to be shot; where was Ensign Cullen when Dr. Morris said that?—He was at the post-office. I not certain whether Ensign Cullen hear, but I heard it, and I know he was at the post-office. Dr. Morris was standing at the door; Ensign Cullen was not close; far away in the same office.

The Witness was directed to show in Court about how far Ensign Cullen was from Dr. Morris, and on doing so, the distance was found to be six paces and a half.

432. At this time, how near were you yourself to Dr. Morris?—Near enough.

The distance was shown in Court, and found to be three paces and a half.

433. How far from Dr. Morris were the soldiers who were told to shoot the three men?—They were in the piazza.

434. Where were you standing at this time?—In the shop. Dr. Morris stood at the shop door.

435. You said Dr. Morris was at the shop door, and the soldiers in the piazza; show as near as you can how far they were from one another?—Dr. Morris stood on the shop floor, at the door; the soldiers were at the bottom of the steps, inside the piazza.

436. When Dr. Morris ordered the men to be shot, can you tell us in what tone of voice he spoke?—He speak plain enough, that the soldiers might hear what he said.

437. Where was Ensign Cullen when the soldiers fired at the men they shot?—Ensign Cullen was part of the way; not so far down as I was, or as Dr. Morris.

438. Was Dr. Morris sick, with his head tied up, at the time you say he gave the order?—I heard he was sick, but I cannot say if his head was tied up or not.

439. At which door did Mr. Morris stand?—It was at the shop door; the middle door, at which everybody go in to buy, and for letters.

[The Witness withdraws.

Twelfth Witness for Prosecution.

ROBERT SPEED, Constable at Holland Bay, being duly sworn, is questioned by the Prosecutor.

440. *By Prosecutor.*] Do you remember the martial-law time. Where did you live at that time, and what was your occupation?—Yes, I remember. I lived then at Holland Bay, and I was a constable.

441. Did you go to the post-office at the Iron Bridge during martial law, and when?—I went 21st October last year to the post office.

442. With whom did you go?—Mr. Duany, at the lighthouse; the light-keeper.

443. When you were there did you see any prisoners?—No; I was there half an hour before the prisoners came in.

444. What did you see when the prisoners came in; tell all to the Court?—When the prisoners come in, the soldiers them all happy when the three prisoners came in; the soldiers asked the three constables what they brought the prisoners for; says to them, they brought them to be flogged; well, they ask them what them do; says, steal nails on the property. At the same time the doctor and the officer was in Mr. Manning's

R. Speed.

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ning's little closet, and when the doctor and the officer come out, they asked constables again what them brought the prisoners for; asked them what they done; say, steal nails on the Duckenfield Estate; the doctor and the officer ask Mr. Manning if he got any twine to make cat; Mr. Manning reached some twine and gave it to the doctor; the two, doctor and the officer, were together; then they getting about to make the cat; me asked Corporal Hunter what they going to do with the prisoners; afterwards I see the doctor and the officer come out outside, walk the bridge way; I do not know what them say, but the two of them were together. After they come back from the bridge they done away with the cat; they stop making the cat. "Corporal Hunter," says I to Corporal Hunter, "what they going to do with the prisoners;" and I saw them order, the doctor order, to loose the prisoners from where they tied under the shed at the bridge, the shed under Mr. Manning's shop. After they loose the prisoners, then they take them out to be shot; and Mr. Manning said to them "Much please take them out of sight a little;" and they take them down a little more from the shop way; I stand for a while or two; I had been sitting down on a box, and I heard the report of the guns, and I still sitting down, and my mind tell me the three prisoners were shot. I did not stay very long where I sitting, for a minute or two I budge; I go where I heard the report of the gun; I did not reach quite down, but I go where I could see the prisoners were shot. I see the three prisoners tied and dead; tied to the bamboo fence, their backs to the grass piece and their front to the road, and one of them the brains hang forward; after I not stop. I lead my horse and peep at them; after, I get on my horse and wheel round and ride over the bridge to Holland Works, and go down to the bay; this was on the 21st October last year.

445. Who brought the prisoners to the post office; if you know the names, state them?—One man named old Wills, and one Colson, and one is the book-keeper at Duckenfield, I forget his name, lately come to the parish; the book-keeper's name is Bryan.

446. What are the names of the prisoners. If you know, mention them, or such of them as you know?—Well, I did not know. I see them when they come in, but I not acquainted with them; they live at Duckenfield; I live at Holland Bay.

447. What sort of soldiers were they you saw at the post-office that day?—Black soldiers most; some white soldiers; very few.

448. Did any of the prisoners get away before they came to the post-office?—The constables tell me one got away, but I do not know of my own knowledge; I saw three come in.

449. To whom did the constables speak when they brought the prisoners?—They spoke to the Doctor, and the officer, and the soldiers likewise.

450. Who is the officer you have been speaking of; do you know his name?—I may know his name, but I forget it. Corporal Hunter told his name, and I know his face.

451. Would you know the officer again if you saw him; if so, stand up and see if he is in this room, and if he is, point him out?—Yes, I think I should. (*Ensign Cullen is here identified by Witness.*)

452. Who took the prisoners from the post-office to the bamboo fence?—The soldiers.

453. Did anybody besides soldiers go; if so, state who?—Well, I really cannot tell.

454. Did you see the officer come back to the post-office after the three prisoners were shot?—Yes; him and the doctor both.

455. *By Prisoner.*] Did'nt you know, where the officer was sitting in this room, before you came into this room?—No, I don't know, because when I outside I can't know where the gentlemen sit.

456. Since you have been up here, and standing from day to day in the piazza, have you not seen the officer coming into this room?—I have seen him; if I say I have not seen him I lie.

457. Have you been told where the officer was sitting, and that he always sits right facing you when you give evidence?—No; nobody at all ever tell me that; I take the Bible for that.

458. Has the officer often been pointed out to you?—No.

459. Did you not often have the opportunity of hearing the name of the officer during the rebellion and while he was in St. Thomas-in-the-East, and since you have been up here?—I often hear the name in St. Thomas; we know the name in St. Thomas.

460. Did not all the witnesses see the officer coming into this room, and do not all the witnesses outside know where the officer was sitting in this room?—Well, they may see it, but they never tell me where he sit; I cannot say if they know where he sits.

461. Have you ever seen the officer in white clothes before?—Since I came here on Monday I keep seeing him in white clothes. I do not notice whether he change his dress or not, but I know him.

462. Did you ever give evidence, on oath, in Spanish Town in this matter before the Queen's Commissioners, or before any magistrates in St. Thomas-in-the-East, on oath?—I did not give evidence in Spanish Town on oath; and about this business I never gave evidence before any magistrates. I was examined at Golden Grove, but I did not take oath.

462*. Did you know that gentlemen from the Queen came down to St. Thomas-in-the-East, to inquire about these matters, and did you ever go before them and kiss the book to this story you have told to-day?—At the time Duany, the light-house-keeper, and the other persons went to Spanish Town, I was in the bay, sick. The doctor was attending me at the time; two doctors was attending me at the time.

463. During what months were you sick?—I cannot exactly say the month, but it was the same time Duany went to Spanish Town; I was in my bed. The policeman pass, say so, that he was going for Duany.

464. Do you not know that this gentleman, Mr. Lewis, was about St. Thomas-in-the-East, for the Queen's Commissioners, inquiring about all that was done during the rebellion; did you ever go to him to give any information as to this story?—The only time I ever gave information was at Golden Grove, last month. I do not know whether the gentleman (Mr. Lewis) was there; I do not know his face; (*the Witness then got up and identified Mr. Lewis as having been at Golden Grove and added*), "Face favour face, I cannot say whether it was him or not.

[The Court adjourns at Two p. m., till Ten a. m, on Monday, 22nd instant.

EIGHTH DAY, 22nd October 1866.

On Monday, the 22nd day of October 1866, at 10 a.m., the Court reassembles, pursuant to adjournment; present the same members as on Saturday last, and proceeds with the Cross-examination of ROBERT SPEED.

R. Speed.
22 October 1866.

465. *By Prisoner.*] YOU swore on Saturday that you could not tell the months in this year, when you were so sick, with two doctors attending you. How is it you managed to pick out the 21st October last year, as being the exact day, month, and year, all this you spoke of happened?—At the time I was sick I could not exactly know the months, but I carry the other day in my head.

466. Can you read and write?—No, neither.

467. Did you, during last year, take any memorandum of the date and the month you speak of, or did you get any person to do so for you during last year?—No; I did not get anybody to do so.

468. What date of the month was last Saturday week, the Saturday week before yesterday?—I did not much particular that.

469. What was the date of the month of last Saturday, day before yesterday?—I do not know; I did not particular the day of the month of Saturday, but I was very particular about the date last year, the 21st and 22nd; 21st was Saturday and the 22nd was Sunday.

470. As a constable, you surely know on what day of the week and date of the month martial law left off; tell the Court now?—I think it was the end of October, but I can't say the day of the week or month.

471. You were a constable; tell the Court on what day of the week and date of the month the rebellion broke out at Morant Bay?—I think on a Saturday, but I do not know the day of the month.

472. You were a constable; on what date of the month and day of the week was Mr. Hire murdered at Amity Hall last year?—The rebels went on Thursday night and day-broke Friday morning; I do not know the date of the month.

473. Look among the gentlemen present in this room, and point out to whom you told your story last month at Golden Grove or elsewhere in St. Thomas-in-the-East, and show the gentlemen to the Court?—

> The Witness identifies Mr. Jackson as one of the gentlemen, and thinks Lieutenant Colonel Daniell, the Prosecutor, was another.

474. Were you a constable during martial law, and all the time, or whilst the Queen's Commissioners, Mr. Gurney and Mr. Maule, were inquiring into all these matters this year in St. Thomas's-in-the-East?—I was a constable all the time of martial law, but I do not know the gentlemen; I live out of the way and they may pass and I not know; Holland Bay Wharf busy there, and I mind wharf and not go away.

475. Were you not aware that Mr. Gurney, one of the Royal Commissioners, was at Bath on a Thursday, Friday, and Saturday in the month of February of this year, examining and inquiring into all these matters, and were you not aware that all the constables went to be examined?—Well, very like, but I do not know; Holland Bay is a place out of the way. I do not know the constables went; the constables at Holland Estate would have made it known to me.

476. Did you not know or hear that in March this year Mr. Maule, one of the Royal Commissioners, held a Court at Golden Grove; why did you not go and tell him what you have told this Court?—Well, I really cannot say; if not done on Saturday when the people go to market at Golden Grove, I not hear; I not leave the bay unless I have great occasion.

477. How far is Duckenfield Estate from Holland Bay; how far is Holland Bay from Golden Grove?—About a mile from Duckenfield Estate to Holland; there is two road; one walking road by the canal is shorter, but the waggon road is about a mile and a-half. From Holland Bay to Golden Grove you may say three miles.

478. Do you mean three miles round the main road, past the post-office?—I mean a mile and a-half to the post-office; from Golden Grove to the post-office about a mile and 20 chains. I never see it run; I just judge it.

479. Is Holland Bay part of Holland Estate?—No; different owner.

480. What distance from Bridge to Golden Grove?—About a mile and 20 chains, I said.

481. Does Holland Bay join on Holland Estate; does Holland Estate join on Duckenfield or Golden Grove?—Yes; and Holland Estate joins on Duckenfield.

482. Did you go often to Garden River Post-office by the Iron Bridge on Saturdays and other days, and have a talk?—No; I never have no time; I never leave unless I have great occasion; my employer say I must not leave the Bay.

483. You are a constable; don't you know by your experience that witnesses in your class of life know nothing of dates, time, or distance, with any certainty whatever?—Well, sometime they make a mistake; it is allowed to any man to make a mistake. I cannot say positively what I don't see.

484. Will you positively swear that you, a constable, did not hear or know the same Mr. Maule was at Golden Grove in February or March this year, with or without Lawyer Lewis, to inquire into all these matters?—Well, the policeman nor any man never tell me; if they had called the constables, I would have gone.

485. Will you positively swear that you, a constable, did not know or hear that the same Mr. Gurney was at Golden Grove in February or March this year, with or without Lawyer Lewis, to inquire into all these matters?—No; it might be, but I never hear it.

486. You say that at the time soldiers asked what prisoners brought for, the officer and doctor were in the little room; will you swear that you could see the officer and doctor in the little room from the place where you sat down at that same time?—Yes; when I pass I see them in the little closet, and I then went by and sat down; but I could not see them from where I sat down.

487. How long were you sitting down from the time you came in till you went away?—Well, I had no watch; but about an hour, I think.

 488. Can

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488. Can you tell the Court about how many people, soldiers and all others, were there on this day of which you speak as being Saturday, about the post-office and shop; could you count them?—No, I cannot count them; I did not have such a thought as count them.

489. Can you tell the Court, by guess, how many were there altogether; were there 500, or 300, or 1,000, or how many do you think?—No, I do not think they come to 100.

490. Was it market day; and do plenty of people from all about Hordley, Duckenfield, Golden Grove, and the other estates go there?—It was a market day, but very few people there, because they afraid to go to market, because the soldiers about.

491. Do you know that before, during, and after that same week of this same Saturday, plenty of different soldiers and volunteers were all about from place to place, round by Iron Bridge?—Yes, I know it.

492. Can you tell the Court what time of day it was when you went there, and what time of day it was when you came away?—Well, I keep no watch, but I leave Holland Bay about 9 o'clock or 10 that Saturday. It is no distance, and if I leave the Bay at 9 o'clock, I get to the Bridge about 10. I keep no watch; I cannot tell what time I go away.

493. Were the gentlemen whom you pointed out just now in this room the first persons to whom you gave information about all this; did you ever kiss the Bible before about all this?—Yes, those gentlemen were the first; I never kiss the Book before about this.

494. Do you know Manning; if so, how long have you known him; are you and he great friends?—I know him long enough, about 20 or 30 years; we are not great friends.

[The Witness withdraws.

Thirteenth Witness for Prosecution.

JOHN HAMILTON, Shopkeeper at Holland Estate, being duly sworn, is questioned by the Prosecutor.

J. Hamilton.

495. *By Prosecutor.*] Do you remember martial law time; where did you live at that time, and what was your occupation?—I remember it; I lived then on Holland Estate as shopkeeper.

496. Can you read and write?—A little; both.

497. Do you remember anything particular happening during martial law; and if so, state to the Court what you saw yourself with your own eyes?—Saturday, 21st October 1865, I was on my way from Holland Estate to Golden Grove; as I got to the Iron Bridge, I saw the soldiers there; I stopped with them awhile, and I saw constables brought three prisoners from Duckenfield, and I saw Ensign Cullen step from under the shed of Mr. Manning's shop, and go up to Bryan on the main road; what they say I did not hear. As he turned back from the road to the store, I mean Ensign Cullen, I heard him say, "Have the men tied and flogged." Whilst the men were tying the prisoners, he went into Mr. Manning's hall, and I saw Dr. Morris come out and go up again to Bryan; what they say I did not hear. As Dr. Morris turned back, he said, "Loose them, and take them out one by one" (Ensign Cullen heard this; he was under the shed); and so they did, and took them down a little below the shop. After they take them down, they put them to the logwood fence of the grass piece; where I was, I could not see how they were tied; I did not see them again. I saw the soldiers on the opposite side of the road to the logwood fence; I saw when the soldiers fired the guns. Dr. Morris took one of the rifles from the men, and he fired the last volley. They came back to the post-office, Dr. Morris and Ensign Cullen, and asked for a bit of soap and a towel, and go to the river for a wash. I went away before they came back from the river.

498. You say that Ensign Cullen heard when Dr. Morris said, "Take them away one by one;" did Dr. Morris say anything more at that time?—Nothing more.

499. You say that they put the prisoners to the logwood fence; are you sure it was logwood fence where they put them?—Yes; the fence is a logwood fence, but the place they put them is vacant; the logwood is dead, and they tie the place with bamboos.

500. Did you go down to the place at which you say you saw the soldiers fire the guns; and what soldiers were they?—I did not go down there; I do not know them—black soldiers.

501. Do you know the names of the constables who brought the prisoners from Duckenfield; if so, tell the Court?—George Colson and Cyphus Wills.

502. Do you know the names of any of the prisoners; if so, state them?—I know one by the name of Walton.

503. You say Colson and Wills were names of constables who brought the prisoners; were these all the people who brought the prisoners?—Bryan, a book-keeper, I suppose he is.

504. You say they took the prisoners down the road; whom do you mean by "they"?—Soldiers took them down the road.

505. Did any one go with the soldiers; if so, state the names?—Nobody go with them, that I know of.

506. From where you stood or sat, when the soldiers fired, could you see the prisoners?—Could not.

507. Where was Ensign Cullen when the soldiers fired?—He was down with them that fired.

508. Do you know Ensign Cullen; if so, stand up, look around the room, and point him out if he is in this room?—(*Witness identifies Ensign Cullen*).

509. How do you know Ensign Cullen; did you ever speak to him at any time, and when?—On 22nd October, Sunday, I saw him at Golden Grove, and he gave me a pass there.

510. *By Prisoner.*] You say Ensign Cullen was down with the soldiers that fired; where were you at the time the soldiers fired; you swore a little time ago that from where you stood you could not see the prisoners shot, and that nobody you knew of went with the soldiers?—I under the shed of the shop when they fired. I did state that Dr. Morris and Ensign Cullen went down with the soldiers; I did state that.

511. Will you positively swear that from where

where you were standing under the shed, you did see the prisoners tied and the soldiers shooting them, at the spot you say they were shot?—I could not see the prisoners; I saw the soldiers when they fired.

512. After you went to the shop, did you go near at all to the bridge before the firing actually took place, or did you remain at the shop?—I remained at the shop.

513. Were you examined before this day on oath as a witness, either in Spanish Town or anywhere in St. Thomas-in-the-East?—Not on oath before to day.

514. Do you and all the other witnesses against Ensign Cullen come from the same district in St. Thomas-in-the-East?—I suppose so; I not certain to that.

515. Were there plenty of people flogged or shot about that district?—I do not know how much.

516. Were you or any of your friends or connections flogged?—No, none of my friends, nor myself.

517. Where were you actually standing at the time when you say Dr. Morris spoke; and at what distance were you from Dr. Morris, when you say he said "Loose them one by one"?—I was under the shed; and he just returned from the main road, coming under the shed.

518. Did you go amongst the soldiers at all, at the same time you say the soldiers took the prisoners down, or did you remain behind at the shop?—I remain at the shop.

519. Were there people standing all about between you while you were at the shop and the place where the soldiers were firing?—The place was crowded with soldiers; I did not observe any other people there. *J. Hamilton.* 22 October 1866.

520. Did you swear just now that you did not observe whether there were any other people there or not?—No.

521. Will you, positively, on your oath, before this Court, swear that no other people at all were between you when you were standing at the shop and the place where the soldiers were actually firing; or are you unable to say?—I did not observe whether there were other people or not; because the soldiers were so much, I was taken up with observing them.

522. What number of chains do you think were between the spot at which you stood at the shop and the place where the firing actually took place?—I think it is about three chains or more.

523. Were you standing on the ground quite close to the shop under the roof of the shop, by the steps into the shop, or by the posts of the roof?—Between the steps and the posts.

524. Is there under the roofing of what is called the piazza, in front of the shop, any flooring at all? Is not all bare ground level with the ground outside?—All ground.

525. Can you tell how high off the ground is the flooring of that shop itself?—I cannot tell,

526. *By Court.*] Can you state the exact spot where Ensign Cullen was when the soldiers fired?—I cannot.

[The Witness withdraws.

Fourteenth Witness for Prosecution.

SOPHIA BARTLEY, residing at Dalney, being duly sworn, is questioned by the Prosecutor.

527. *By Prosecutor.*] DID you know Richard Walton?—Yes. *S. Bartley.*

528. Do you remember the time of martial law; where did you live at that time?—I do not remember the time it begin, but it was in October. I lived at Dalney then.

529. Where is Dalney?—In St. Thomas-in-the-East.

530. With whom did you live?—Living at Richard Walton's house.

531. Did you live with him as housekeeper?—Yes.

532. Where is Richard Walton?—I heard he was shot.

533. When did you see him last?—From the Thursday, when he went away to Mrs. Annie Walton, till the Saturday, when I heard he shot.

534. Have you ever seen him from the Thursday evening you say he went away; and when was that Thursday?—No, I never see him since that Thursday; it was in October.

535. What October was it; in what year?—I do not know the year. Last year October.

536. Did he leave any children by you, and how many?—Three.

The Prisoner declines cross-examining this Witness.

[The Witness withdraws.

Fifteenth Witness for Prosecution.

GEORGE GRANT MANNING, Shopkeeper and Postmaster at Plantain Garden River, being duly sworn, is questioned by the Prosecutor.

537. *By Prosecutor.*] Do you remember the martial law time; where did you live at that time, and what was your occupation?—I remember the martial law time. I lived at the shop near the Suspension Bridge, on Duckenfield; and I was then shopkeeper, also postmaster. *G. G. Manning.*

538. How long before the martial law did you live at that place?—Upwards of 11 years.

539. In what parish and county is your shop and post-office, and over what river is the bridge you speak of?—I am in the county of Surrey, parish of St. Thomas-in-the-East, and the bridge hangs over the Plantain Garden River.

540. Do you remember a detachment of soldiers coming to that shop of yours, and when was it?—I remember on 21st October, a Saturday morning, between eight and nine o'clock, Ensign Cullen, and his colleague, Dr. Morris, with a company of black soldiers, halted at the shop. I met Dr. Morris at the east door, which led him into my room. He then said, "I'll go no further." So saying, he sat on the table, and laid on his back afterwards. I brought him two pillows, which he put under his head. I left him. Ensign Cullen then met me in the other part of the shop; he then said, I forget whether he said brother officer or friend, and asked me what assistance I could afford him to take him away, as he was suffering

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from fever. I said, I couldn't, for the only vehicle I have is broken. I went back to Dr. Morris, and said, I thought some Florida water might do him good. I brought a bottle of Florida water, with which he washed his face and put some on his head. He then asked me if I could get him some tea. I desired the cook to get him some green tea.

541. After he had had the tea, or while he was drinking it, what happened?—There was a noise. Prisoners, prisoners, a while after that; many of the soldiers said one of the prisoners escaped; the soldiers ran in many directions after the prisoner; did not succeed in capturing him. I then saw three men, whom I took to be constables; had three men that they said were prisoners. They came as far as the middle door of the shop; just opposite in the road. I saw Ensign Cullen with the three constables and the prisoners; they spoke to Ensign Cullen, but I could not hear what they were saying. Soon after, several of the soldiers said, the men are to be catted; one or two of the soldiers came into the shop with me (I was in the shop then) and asked for twine, to make a cat. I took a ball of twine off the shelf and gave it to one of these men; he took off what he wanted; went outside making the cat. Just at this time I saw Dr. Morris, who was lying on the table all the while, went out to Ensign Cullen. Ensign Cullen was still in the road, opposite the door of the shop. He whispered to Ensign Cullen; then the soldiers, many of them, said the men are to be shot; the doctor say they are to be shot. These three prisoners, from the time they came in, were tied to the posts; one of the posts that supports the shed of the shop. One or two of the soldiers went up to loose the men; in doing that, one of the prisoners attempted to say something; the man that was loosing them said to him, "Hold your tongue; how dare you to speak? You should say your prayers since last night."

[It being now 4 p.m., the Court adjourns till 9.30 a.m., 23rd instant.

NINTH DAY, 23rd October 1866.

On Tuesday, the 23rd day of October 1866, at 9.30 a.m., the Court reassembles pursuant to adjournment; present the same Members as yesterday, and proceeds with the examination in chief of GEORGE GRANT MANNING.

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542. *By Prosecutor.*] WHAT further did you see and hear; proceed to tell the Court all that you know of your own knowledge?—During the time the prisoners were tied to the post the soldiers that I saw in front were all in a glee; they laughed and jeered at the prisoners, and made use of very indecent language. They said, in a few moments "their souls would fly out," applying very vulgar expressions. The men, that is the prisoners, were removed from the post; then I saw the soldiers, the prisoners, Ensign Cullen, and Dr. Morris, all marched off eastward on the road; I supposed to a distance of 60 or 70 yards; I am not certain, but thereabouts; I never measured the distance; they stopped there. A little time after, I saw one of the prisoners tied to a bamboo fence; I saw also the other two men tied to the same fence. I saw then three heads of the three men who were tied to the fence. I heard the word "fire" and the discharge of the rifles. I saw the head of one man bow down forward after the discharge of the rifles; I heard another discharge of rifles, a second head bowed just in the same manner; a third discharge, and the last man's head fell in the same manner. A little time afterwards, I saw Dr. Morris discharge a rifle at one of those men that were shot. Of course I saw the presentation of the rifle to the fence where these men were shot. Afterwards, the doctor came up to the shop, also Ensign Cullen; both then moved about. Mr. Duany said to me, "The doctor asks for a towel and a bit of soap, for he wished to have a bath;" I gave both soap and towel; about a quarter-of-an-hour afterwards, I saw Dr. Morris ascend from the river; when he came in front of the kitchen he sat down, wiped his legs and feet, buttoned on his leggings, and then they all moved about; I did not notice anything particular after that.

543. How long do you say you have been living in that shop?—Upwards of 11 years.

544. Had you been living in that neighbourhood before you lived at that shop; and for how long?—I was living in that neighbourhood before I lived in that shop; I have been living upwards of 20 years in the neighbourhood; I remember I came there in 1846.

545. Do you know the names of the people who brought the prisoners to the post-office; if so, state them?—One person is called Bryan, the other, Wills; the other, Colson; I do not know their first names.

546. Do you know the names of the prisoners; if so, state them?—Richard Walton, Miles the other, and M'Call, I think.

547. You say the prisoners were taken "eastward;" explain to the Court what you mean by eastward?—By eastward, I mean windward; the road leading to the Lighthouse is called eastward; it is the only road to Holland Bay.

548. Is it straightway down from your store, without turning to go over the bridge?—It is straightway down; you do not go over the bridge, but keep southward.

549. Did Ensign Cullen go the whole way down with the soldiers and prisoners?—I cannot say.

550. Where were you standing when you saw the firing, and could you see the bodies of the prisoners from that position?—I was standing in the shop at the threshold of the door; I could not see the bodies of the men, but I saw their heads.

551. You say you were standing on the floor of the shop; at which door were you standing?—The middle door.

552. Can a person standing upright at that door see an object, say the head of a man, standing at the place at which you say the prisoners were placed?—No, he cannot see.

553. How then did you see it from that place?—I stooped (*the Witness then proceeded to explain*); standing

standing upright I could see nothing windward of the shop; that is, I could see nothing on the road leading to Holland Bay, but by stooping just like that (*described by bending slightly forward*), I could see distinctly from two yards to 200 yards along the same road.

554. What obstructs the line of sight when you stand upright at that door?—A logwood fence, southward.

555. What made you stoop; what prevented your seeing without stooping?—The shed in front of the shop.

556. Then, by stooping, did your eyes clear the shed?—The shed then was no obstruction to my sight.

557. How and where were the soldiers standing when they fired?—On the opposite side of the three prisoners that were tied to the fence.

558. Which do you call the opposite side; was it the same side as your shop?—The same side as my shop; that is the left-hand side of the road.

559. Then does the Court rightly understand that the prisoners were tied to a fence on the side of the road, opposite to your shop?—The prisoners were not opposite my shop, but the direction where they were was opposite my shop, because it is the right-hand side of the road.

560. Was there any attempt to shoot the prisoners immediately in front of your store; and why was it not done?—I had heard, that is, it was talked among the soldiers, that the men were to be shot opposite the shop; I then said, "Oh, don't shoot them there;" I did not appeal to any particular person, but just said those words.

561. You say you heard the word "fire;" do you know who gave that word?—No, I do not.

562. Are you in any way related to any of the prisoners, or constables, or other witnesses, so far as you know who those other witnesses are?—To no one that you name.

563. Did you remain at your shop until the next day?—I did.

564. Did you see a soldier the next day, and did you say anything to him; you need not tell what you said, but only whether or not you spoke to him?—I saw a black soldier the next day, and I spoke to him.

565. In what direction did that soldier go; towards what estate?—Amity Hall; that is, he went over the bridge, and that is the first place he would come to.

566. What became of the three dead bodies of the men who were shot?—They remained there up to next day; about 10 o'clock in the morning they were yet there.

567. Were they buried; and where did the people come from who buried them?—About that hour, I saw four or five men from Amity Hall, standing in the direction of the blacksmith's shop; they had hoes and pickaxes; I advanced to Wedderburn, one of the men, who told me black soldiers told them to bury the men; I then went away; I saw nothing more. I did not see the men buried.

568. Did you see the rising and falling of hoes any time that day, Sunday?—No, I could not, for I was in Bath the other part of the day; I went away to Bath, and did not return till sunset.

569. Did you see the bodies when you came home in the evening?—No.

570. Do you think you will know Ensign Cullen if you see him; if so, stand up, look around the room, and point him out if he is in this room?—(*Witness identifies Ensign Cullen.*)

571. Are you quite sure that the three men who were shot were the three prisoners who were brought in that morning (21st October 1865), whose names you have already stated?—Quite sure.

572. By *Prisoner.*] Were you not summoned to appear before Mr. Maule, one of the Royal Commissioners, on 17th March 1866, at Golden Grove, and did you appear before him?—I was never summoned to appear at Golden Grove; I appeared before him at Morant Bay, to which place the summons directed me.

573. Were you examined as a witness on oath at Morant Bay on 19th March 1866, before Mr. Maule, one of the Royal Commissioners, and was your evidence then taken down?—I was examined on oath by Mr. Maule; I do not remember the date, but the evidence was taken down.

574. Were you not aware that Mr. Russell Gurney held Courts for the examination of witnesses in the month of February for three days at the town of Bath, and did you appear before him?—I was not aware of that, for I was not in St. Thomas'-in-the-East then; I think I was in Kingston at the time.

575. Was that the only one time you were examined before Mr. Maule at Morant Bay, at the temporary Court House, Mrs. Loague's lodgings?—That was the only time by Mr. Maule in St. Thomas'-in-the-East; but I was summoned to Spanish Town, before the Royal Commission, to identify Ensign Cullen and Dr. Morris; that is all.

576. Was it not only on the question of identity that you were examined in Spanish Town?—Yes; only to identify.

577. Did you ever swear before the Royal Commissioner, Mr. Maule, at Morant Bay, what you have sworn before this Court, viz., that a soldier who was loosing one of the men said, "Hold your tongue; how dare you speak; you should say your prayers since last night?"—I may not have sworn to those words.

578. You swear now, you heard the words "The men are to be shot; the doctor say they are to be shot;" was not all you said before Mr. Maule, at Morant Bay, that the soldiers said, "Oh, the men are to be shot;" did you then swear to the words now added on, "The doctor says the men are to be shot?"—I swore then, as I swear now, that the soldiers say, "The men are to be shot; the doctor say so;" pointed questions were then put to me; and I answered pointedly. It may have been that the words, "The doctor say so," were not added to the words, that "The men are to be shot," at the time when I gave my evidence before Mr. Maule.

579. Before Mr. Maule, at Morant Bay, did you swear (as you have done before this Court), that "Dr. Morris got up off the table, and went out to Ensign Cullen;" or merely that "Dr. Morris went outside"?—I swore that "Dr. Morris rose up off the table, and went outside to Ensign Cullen;" I believe that to be the substance of my testimony before Mr. Maule.

580. Were you asked the question before Mr. Maule, at Morant Bay, "Did you see Dr. Morris give any order?" Did you answer, "I saw him whisper something to Mr. Cullen?"—That question was put to me, and that was the answer I made.

581. Before Mr. Maule, were you asked the

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question, "Which of the officers gave the order to the soldiers to take them off (meaning the prisoners); did you answer, "I can't remember," and were you further asked, "Who gave the order to the men," and did you answer, "I can't remember?—Yes; those were the questions and answers.

582. Were you also asked, before Mr. Maule, "Where did Ensign Cullen stand" (meaning when the men were taken across to the angle of the road), and did you answer, "I don't remember?"—Yes; I have a recollection of that being put, and of that being my answer.

583. Were you also asked the question, "Who gave that order" (meaning to fire or shoot); did you answer, "I cannot say whose voice it was?" —Yes.

584. Were you not asked the question, "Then, when was this that Dr. Morris whispered to him;" did you answer, "It was when Dr. Morris whispered, that the attempt at calling was left off?"—Yes.

585. Were you also asked, "Was there no man standing with the ten men who were going to fire;" did you answer, "I had not such a clear view as to know whether the order came from the officer or serjeant, because there was a serjeant in the company; but I know Dr. Morris went up with the men?"—I never said ten men, pointedly; I only said about ten men, or perhaps more. I do not remember that the question put to me by Mr. Maule, was put in that way; but that was my answer.

586. Were you asked the question, "Then who gave the orders to the soldiers to do what they did;" did you answer, "I am under the impression that the orders came from him and Mr. Cullen;" and were you further asked, "But which;" and did you answer, "I cannot say?"—Yes; in both cases.

587. Were you also asked, "Before they fired, did you hear any orders given;" did you answer, "No," I did not hear the order given?"—Yes; but "order" was not exactly the word I answered to, I think; I did not exactly hear what was going on, either before or after, but that word "fire," I did hear distinctly, and that was what I intended to state to Mr. Maule; that if anything was said by officer, or by officers or by soldiers, that I did not hear; but the word "fire," that I heard distinctly.

588. Were you asked the further question, "You don't know who gave it" (meaning the order); did you answer, "No?"—Certainly, I said so, if the word "order" mean the word "fire."

589. In answer to a question, "You say you don't know, who the two others (prisoners) were;" did you answer "No?"—Yes.

590. Did you swear before Mr. Maule, that you knew only one of the men (prisoners) who were shot?—Yes, that is I only knew the men; the others I may have seen.

591. Are you sufficient of a military man to know whether the word "fire," would be such as would be likely to be used by an officer or soldier, under such circumstances as you mention?"—I am no military man, but I know the word "fire" is meant for the discharge of rifles or muskets loaded.

592. Did you ever, before Mr. Maule, swear that you ever saw Dr. Morris "ascend from the river, come in front of the kitchen, and sit down and wipe his legs and feet," or give any such account then?—I may have stated that; all that I said before the Commissioner was on oath. The evidence given before Mr. Maule was not so full as it is now; what I understood the evidence before Mr. Maule was, to get from me the real facts of the case, whether those three men were shot by the command of the officers; that is what I understood him.

593. You swear now, that the soldiers laughed and jeered at the prisoners, and made use of very indecent language; they said, "In a few minutes their souls would fly," applying very vulgar expressions; did you swear that before Mr. Maule?—I do not remember whether I did.

594. You say now, "I saw the soldiers, the prisoners, and Ensign Cullen, and Dr. Morris, all march off eastward on the road;" did you ever tell that before the Royal Commissioner at Morant Bay, in respect of Ensign Cullen at all, and did you not then swear that you "did not remember where Ensign Cullen was?"—I think I told Mr. Maule that "Ensign Cullen, Dr. Morris, and the soldiers, and the prisoners all marched off, and went eastward, all of them, down to the bamboo-fence, or opposite to the Bamboo fence; but whether Ensign Cullen went the full length of the distance, I could not say." I believe that to be the substance of that evidence, given to Mr. Maule.

595. Will you swear positively, "Yes" or "No;" did you make that statement, contained in the last question, to Mr. Maule, which you made here to-day?—I cannot say that.

596. Did you ever swear before Mr. Maule, "That you saw Dr. Morris discharge a rifle at one of the men" (the prisoners)?—I may have sworn to that; I am not sure.

597. Did you ever before Mr. Maule, give evidence of the separate and distinct bowings of the heads, or of bowings of heads at all, or any such particular account at all as you gave to-day? —I remember I told Mr. Maule, I saw the heads fall; but whether singly or collectively I cannot remember, that is whether the three heads fell together, or one after the other.

598. Did you swear before the Royal Commissioner, at Morant Bay, that you ever saw any men tied to the fence, or even that you saw heads of the men at all; or give any such account as you have given to-day?—My evidence, to Mr. Maule, was, that I saw the heads of the men; I did not see the tying of the men, but I did say they were tied.

599. Will you positively swear to this Court that you did give such evidence as you last stated, or is it merely that you don't remember if you then swore that?—My evidence may not be the same words; but this I know, whatever I said would have the same meaning.

600. On your oath before this Court, is it that you don't remember positively what you swore before Mr. Maule, or that you do positively, on your oath, know that you did swear before Mr. Maule all you have sworn here to-day?—I cannot answer the question.

601. Do you believe that all the evidence you actually did give before Mr. Maule is correctly published in the book, printed by the Queen's printers, this book *(pointing to a Blue Book, "Report, Royal Commission")*, as to witness's (Manning's) evidence on 19th March 1866, before Mr. Maule, at Morant Bay?

The Deputy Judge Advocate intimates his opinion that this question is inadmissible.

The

The Court is cleared for deliberation.

The Court is re-opened, and the prisoner is informed that the Court reserves its decision, and the prisoner is requested, after due reflection, to place before the Court, as briefly as practicable to-morrow, his reasons for thinking that this question should be answered.

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It being now 4 p.m., the Court adjourns till 9.30 a.m., 24th instant.

Tenth Day, 24th October 1866.

On Wednesday, the 24th day of October 1866, at 9.30 a.m., the Court re-assembles, pursuant to adjournment: present, the same Members as yesterday.

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The prisoner submits, in compliance with the request made to him yesterday by the Court, that he thinks it his duty to explain to the Court that he does not contend that this book, as a Blue Book, or as the "Report of the Queen's Commissioners," is strictly legal evidence, for the reasons, first, that no statute law, by which the Court is bound, makes it evidence; and, secondly, because in the absence of a statute, legal evidence can only be on oath. The question is framed with a special view of obviating any point arising as to the admissibility of the Blue Book or Report as a Blue Book or Report. The question is based on a far different principle of evidence, namely, that if any witness on oath in Court shows, to the satisfaction of the Court, that any printed, written, or oral statement produced to and read by him in Court, contains a true statement of what he said on another occasion in Court in respect to the same facts; that written, printed, or oral statement is, by virtue of his own oath before the Court, admissible and binding against him, and he can be cross-examined thereupon. The Court can then, for identification and otherwise, look at such printed or written statement which he so verifies on oath against himself, or hear that oral statement which he so verifies as against himself. This is a means, it is submitted, allowable for testing, in cross-examination, different statements regarding the selfsame facts by the same witness: the Court is thus enabled to test which version is correct, and also to test the credibility of a witness, who on oath swears to two different statements before two different tribunals on the same facts.

Thus, in a word, it is the oath of the witness which would make the statement legal evidence, and not the bare production of the Blue Book, or of the Report of the Queen's Commissioners.

He (the prisoner) is wholly unable to furnish the Court with any other means, in this respect, than perhaps the testimony of the shorthand writers, who were sworn to take down and report all evidence correctly, and who took down Mr. Manning's evidence as reported; they are now in England.

He did not anticipate that the Blue Book would be peremptorily excluded as a means of testing any witness whose name was furnished on the part of the prosecution, and whose evidence was therein published.

The Prosecutor objects to the Blue Book, as it is called, being received in evidence, or referred to in any way.

He leaves the point in the hands of the Court.

The Court is cleared for deliberation.

The Court is reopened, and the prisoner informed that the question is inadmissible, and cannot therefore be allowed to be answered.

The Cross-examination of George Grant Manning is then proceeded with.

602. *By Prisoner.*] You say you could see 200 yards along the same road by stooping at the shop; is that in a direct line from the shop to the bridge?—The road is not in a straight line, there is a bend; the bridge is not, I suppose, more than 60 yards from the shop. Any person coming from Holland Bay on the same road, I can distinctly see the head, and in some cases the shoulder, fully 200 yards off, should that person be coming towards the shop.

603. Don't you know that the road from your shop towards the bridge, and on towards Holland Bay, has a good bend or curve, like the part of a circle; can you see the 200 yards straight on this road?—I cannot see straight 200 yards along the road, but I can see persons over the fence at that distance on the road.

604. Is the spot from which you say you saw the soldiers fire, a clump of bamboos, just opposite the rails where you say the prisoners were shot?—Bamboos are all along the road on the left-hand side, there is no particular clump of bamboos opposite: what I mean is, that the bamboos opposite the place are not thicker there than anywhere else.

605. Were the soldiers standing by bamboos directly opposite and in front of the rails where you say the prisoners were shot?—I believe so.

606. Can you not positively swear whether it is so or not, if you know the fact?—Yes, to the best of my knowledge, I positively swear they were directly opposite.

607. You said yesterday you saw Ensign Cullen with the three prisoners and constables; that the constables spoke to Ensign Cullen, but you could not hear what they were saying. At this time where were you, the constables, and Ensign Cullen standing, so that you could not hear what was said?—I was standing in the shop, and Ensign Cullen and the constables were in the road.

608. Has not the logwood fence all along from your shop to the bamboo rails been cut down during this year (1866) repeatedly?—I know it has been cut once, but whether more than once this year, I do not remember. I know it is always kept trimmed, so as not to become bushy. I have been absent, from sickness, for three months during this year.

609. Were you not aware that Mr. Lewis, now in Court, was at Morant Bay, employed by the Queen's Commissioners to inquire into all

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these matters; and did you see him there in March 1866?—Yes, that was the time I gave evidence to Mr. Maule.

610. Did you ever offer to mention, or mention to Mr. Lewis at Morant Bay, or elsewhere, the name of a single witness who could prove the truth of any of your statements about the killing of these three prisoners, or did you ever mention to him the name of Ensign Cullen as being in any way concerned in the shooting?—To the first part of the question I reply, that I cannot say; to the second part, that I may have done so.

611. Did Mr. Lewis, at Morant Bay, in March 1866, ask you if you knew what had become of three men, namely, Bell, M'Call, and Walton?—I have no recollection, on my oath, that such a question was put to me by Mr. Lewis.

612. On the day on which you went before Mr. Maule at Morant Bay, on the 19th March, did you not see Mr. Lewis in attendance on Mr. Maule, in the lower part of the Court House, Mr. Maule being upstairs?—Yes.

613. Now recollect yourself; did not Mr. Lewis then and there ask you about the killing of these three prisoners?—Yes, he did.

614. Did you then at that time and place mention to him one word about Ensign Cullen, as having been in any way concerned in the killing of those men?—I mentioned the circumstance; it must have been mentioned; that is, Ensign Cullen's name must have been mentioned.

615. Did Mr. Lewis further ask you then and there if you saw it with your eyes, and did you not reply, "I did not, as I was in my shop, but after the men were taken down, I heard the report of guns, and from that I believed they were shot, as I subsequently saw the graves where the men were buried"?—I could not have stated that to Mr. Lewis.

616. Thereupon Did Mr. Lewis reply, "that there had been too much hearsay evidence already, and your evidence was not material, as you did not actually see the men shot; but as you had been summoned particularly at the request of Mr. Payne and Mr. Morgan, you had better attend Mr. Maule;" whereupon you went upstairs to Mr. Maule, in company with Mr. Morgan?—I have no recollection of Mr. Lewis making any such statement to me.

617. Was that interview with Mr. Lewis the only one which you had with him in St. Thomas'-in-the-East on the matters now in question?—To the best of my recollection, that was the only interview I had with Mr. Lewis.

618. Don't you know that placards were posted all over your district, calling on persons to come and give evidence to Mr. Lewis about all these matters for the Commissioners?—I think I have seen one or two of these placards, but I cannot undertake to say that I knew them to be posted all over the district.

619. When you left your place for a week, did you know that you were being searched for by soldiers, in consequence of what you had said and done at the Stokes Hall meeting?—When I left my place the cause was this; I was told by two or three persons that they were going to arrest me (they, meaning the soldiers); and the same day about dusk, a man who had just got 50 lashes on his back, came to my place, and said, "Mr. Manning, fly for your life; the soldiers at Golden Grove (I suppose he meant those in authority; but those were his expressions), say you shall be shot." "Believe, he says, what I say is quite true, for they will be here in the morning for you early." Of course the last information bearing on the first, I went off. I did not then, nor up to this time do I know the cause I was sought for. What I have referred to took place on the Sunday, 22nd October 1865.

620. Was John Anderson, a witness, the man whom you state as having had 50 lashes on his back, and who recommended you to fly for your life?—The very man.

621. Did Anderson come to you at night or in the morning; and did you at once fly for your life in the night or in the day?—Anderson came to me at dusk on Sunday 22nd October; I went off that very night.

622. Was the John Anderson who recommended you to fly for your life the same John Anderson who was with you at the Stokes Hall meeting last year; now be certain?—I know that John Anderson was at that meeting, but not exactly with me; but he is the same man.

623. You say Anderson was not exactly with you. Now, did you see John Anderson at that meeting, in the room or house where the meeting was held?—I saw him there.

624. Is it true or false that you went to Bath on this same Sunday; the same Sunday when you say Anderson came to you at dusk; at the Golden Grove Post Office?—I object to the use of the word "false" in that question: with all respect to the Court, I think that word impertinent: I did go to Bath on that day, and had returned just about sunset.

625. Now did not John Anderson at the same time, when he recommended you to fly, tell you what you were charged with?—No.

626. Did you also see a man called Duany and others at that same meeting at Stokes Hall?—Yes, I think Duany was there; I think so.

627. At what hour of the day on this Sunday did you go to Bath?—I left, I suppose, about 12; between the hours of 11 and 12.

628. Don't you know Duany and Anderson, as well as yourself, addressed that same meeting at Stokes Hall?—I am speaking now to the best of my recollection. I do not think Duany did address that meeting; Anderson did, and myself also.

629. You were a deputy postmaster in St. Thomas'-in-the-East; tell the Court the exact distance from Golden Grove Post Office to Bath Post Office?—Seven miles; I think it is seven; but the name is Plantain Garden River Post Office, not Golden Grove.

630. Do you know that you bear the credit in your district of being a local preacher of the Baptist persuasion, in the Golden Grove District or elsewhere in St. Thomas'-in-the-East?—No.

631. Was not that meeting at Stokes Hall (in which you took part) of the same character, and for the same purposes, as all the other meetings which took place last year in St. Thomas'-in-the-East; for instance, like that of the "Cotton or Guinneppe Tree," at Morant Bay?—I perceive by this question that you are mixing up my name with meetings and assemblies; with the exception of one instance, I know nothing of the locality mentioned. "Guinneppe Tree" I do not know. I had spoken at the Stokes Hall meeting, but the address I made did not occupy more than 10 minutes; that is the only meeting I ever went to, and to none other; I never knew of them at all.

632. About how many persons were there at the Stokes Hall meeting; and of what class in life were they who chiefly composed the mass of

persons

persons present. Now tell the Court, were they not labourers on estates?—I suppose over 200 were present; labourers were there; a few book-keepers, and I think one overseer; but of this I am not so certain.

633. You say a few book-keepers and one overseer; was one book-keeper Mr. Wood; and one overseer Mr. Chisholm?—I am positive Mr. Wood was there; I have a faint recollection of Mr. Chisholm being there, but am not so sure about him.

634. Do you think that they, Wood and Chisholm, heard what you spoke, and what Anderson spoke, at that meeting?—I cannot say.

635. Were you ever at Duckenfield in the presence of Phillips, Cyphus Wills, or Colson, or Duany, or Anderson, charged by Mr. Sinclair with being concerned in the rebellion; if any one of these persons has sworn that you were so charged, would that witness have, in your belief, sworn truly or falsely?—I never was so charged. If any one has so sworn, most decidedly they would have sworn most falsely.

636. Were you ever so charged by Mr. Sinclair, in the presence of any other person than those named in the last question?—Personally I never was so charged; but I cannot account for what may have been said behind my back.

637. Now do you not know, when you fled for your life, the charge against you was for being concerned in supplying the rebels with cutlasses, or with concealing rebels, or with making seditious speeches to the labouring population?—I knew nothing of the sort; and I defy any person truthfully to state that they saw me supplying the rebels with cutlasses; the rebels did take from me cutlasses, as well as other goods, which I was compelled to give to save my life. That is a fact well known in Plantain Garden River District, that persons situated as I was, as a loyal subject, could not withhold from the rebels whatever goods they may demand.

638. *By Prosecutor.*] You have been asked in the cross-examination several questions as to what you said, and what you did not say, before the Royal Commissioners; did the Royal Commissioners allow you to tell your own story, or did they put questions to you, and were you strictly held to answer those questions, and not allowed to enlarge upon them in any way?—Before Mr. Maule, questions were put to me; I was never told I could state my own story; when I answered one question, I waited for another. It appeared to me that Mr. Maule was not anxious or desirous for me to say anything more than the real facts.

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639. You have said, in reply to several questions, that you gave evidence before Mr. Maule at Morant Bay; have you ever seen any written or printed report, or copy of the evidence so given, by which you could test its accuracy or refresh your memory?—

> The Prisoner objects to this question, as the Court has already decided, on cross-examination, that he could not go into such examination as that now attempted in re-examination; and asks why this question was not asked in the examination-in-chief, when he might have cross-examined to the facts attempted to be elicited in this question. Now he is debarred from testing the truthfulness of any answer; besides, the question does not strictly arise out of the cross-examination.
>
> To this the Prosecutor rejoins that the question now put is wholly different from any that has been put and overruled before. The question does arise out of the cross-examination, and so sets out on the face of it.
>
> The court is cleared for deliberation.
>
> The court re-opens, and the Prisoner is informed that the question has been decided to be admissible, as arising out of the cross-examination.
>
> The Witness therefore is directed to reply to the question.

I never saw my evidence, written or printed, save that portion of it which referred to my identification of Ensign Cullen and Dr. Morris before the Royal Commissioners at Spanish Town.

640. Who were those soldiers at Golden Grove on 22nd October 1865, by whom the words reported to you about your being shot were used?—I cannot say of my own knowledge.

It being now 4 p. m., the Court adjourns till 9.30 a.m., 25th instant.

Eleventh Day, 25th October 1866.

On Thursday, the 25th day of October 1866, at 9.30 a.m., the Court re-assembles pursuant to adjournment: present, the same Members as yesterday, and proceeds with the Re-examination of George Grant Manning.

641. *By Prosecutor.*] Has a Court of Special Commission sat in Kingston since martial law for the trial of all persons who committed any offence during martial law, or before it, tending to the outbreak in St. Thomas-in-the-East; and were any prisoners tried at that court?—Yes, there was a Court; and many prisoners were tried before that Court.

642. Were either you or John Anderson tried at that Court, or were any charges of any description preferred against you or Anderson at that Court, or before or since?—We were not tried. No charge of any description has ever been brought against me; nor do I think any were brought against Anderson. I may add, I was summoned as a witness to attend that Court.

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643. If Peter Phillips has said that Mr. Sinclair before his face charged you with bringing rebels on the estate (Duckenfield), was that charge made in your presence; can you give the Court any explanation about this charge, supposing it to have been made; do you know of any circumstance out of which it may have arisen; if so, explain it?—No charge of that sort was ever made in my presence. I think from this it has arisen: When I heard of the out-

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break in Morant Bay, and the killing of Captain Hitchinge, a volunteer, I went to Bath, and conducted his widow to my place, together with her two infant children; one she was nursing at the time. About five o'clock we were there; meaning we arrived at my place then. Then it was rumoured to me that the rebels had contemplated to destroy my place. At candle-light two servants came to me with a message, using the name of Augustus Parker Davies, who was stopping at the Great House at Duckenfield, to send over Mrs. Hitchings to him, for she was not safe with me. She went off with her children. About half an hour afterwards a band of rebels came down upon my place; they argued among themselves, and then decided not to disturb my place. The rebels said, "We go to Duckenfield." Hearing that, I asked a woman that was with me in the shop to accompany me to Duckenfield. We took a back direction, and ran all the way. I saw a light in Mrs. Hitchings' room, and spoke loudly to her to come out at once, to escape for her life, as the rebels would be down there in a few moments. She went away, and I went away with her and the two children. I suppose that charge was based on that story that I had taken Mrs. Hitchings away from Duckenfield House.

644. How came you to say yesterday, in answer to a question, "Did Mr. Lewis ask you if you knew what had become of the three men, Bell, M'Call, and Walton?" "that you had no recollection of such a question being put to you by Mr. Lewis;" and immediately after, in answer to another question, "Did not Mr. Lewis then and there ask you about the killing of the three men?" you answered, "Yes, he did;" explain this to the Court?—When I said I have no recollection of such a question being put to me by Mr. Lewis, that is the wording of the question itself as put yesterday, was what I referred to. I did not mean that I did not know what had become of the men, but that the question was not put to me in those exact words; that is what I meant I had no recollection of. The substance of that question might have been asked by Mr. Lewis at Morant Bay, but I have no recollection that it was put to me in those words.

645. *By Court.*] Were the questions at Morant Bay on 19th March put to you by Mr. Maule himself, or were they put by Mr. Payne or Mr. Morgan?—They were put to me by Mr. Commissioner Maule.

646. About how many soldiers formed the party which fired at the prisoners you state were shot?—About 10 or 12; ranging from 8 to 10 or 12.

647. You say there were three discharges; what interval was there between each discharge?—It could not have been more than a minute.

648. How many men fired each time?—I cannot say.

649. Did you see them load?—No.

650 How far is Manchioneal from the Iron Bridge?—Nine or 10 miles; not more than 10.

651. Did the soldiers remain at your store all the Saturday; if not, when did they leave, and in what direction did they go?—To the best of my recollection, they left in the afternoon; it may have been two o'clock or three o'clock; I know the day was advanced. They proceeded in the direction of Golden Grove.

652. Is Saturday a regular market day; and where is the market-place in your neighbourhood?—Saturday is a regular market day, and the place is at Golden Grove.

653. You spoke of the blacksmith's shop; where is it?—It is just at the corner of the road, near the bridge; it is close to, and can be seen from my shop.

654. About how many people were there at and near your shop at the time the three men were shot, as stated by you?—One or two scores; spectators; I did not notice, owing to the confusion. I just form that as an estimate of the number. By spectators, I do not mean soldiers.

655. When the soldiers fired, about how many people were there on the road between your shop and the place where the men were shot?—I can form no estimate of the number; the road was not crowded then.

Sixteenth Witness for Prosecution.

JOHN ANDERSON, Teacher of Children, residing at Amity Hall, being duly sworn, is questioned by the Prosecutor.

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656. *By Prosecutor.*] Do you remember the time of martial law; and where did you live at that time?—I remember martial-law time; I lived then at Amity Hall.

657. Did you go to the Plantain Garden River Post Office at any time, and what time in the early part of martial law; and did you see anything particular happen there?—I did go to the post office; I think on the 12th October 1865; it was a Thursday.

658. Were you there on any other day after the 12th?—I was. I remained at the post office from the 12th, when I heard of the breaking out at Morant Bay, till the Sunday, the 22nd, when I was taken to Golden Grove, and received 50 lashes on my back.

659. Before you were taken to Golden Grove, did you see anything particular at the Plantain Garden River Post Office?—I did. At the first I saw three soldiers (I cannot recollect the date) pass by and go towards Duckenfield, accompanied by Cornwall.

660. Did you see anything on the day before you were taken to Golden Grove?—I did; on 21st October, I saw about half a company of soldiers halted at the Post Office, between eight and nine o'clock; this was in the morning, soon after we take our coffee, which we do about seven o'clock. They remained there some hours. It so happened that that day was a post day. About mid-day there was a cry made "Prisoners are coming! Prisoners are coming!" They also said one get away. Prisoners were brought (three) opposite the Post Office, by three constables, Bryan, Wills, and Colson. One of the officers, Ensign Cullen, went out in the road to the constables and the prisoners. Bryan handed him a piece of paper, a note, out of his pocket; and Hunter, the corporal, took entire charge of the prisoners, whose names were Richard Walton, Tommy

Tommy Miles, and John M'Call, and tied them to one of the posts that supports the shed of the Post Office. Hunter then came into the shop and asked for twine, to make a cat of, saying that the men are to be flogged. He received the quantity he wanted, and was about to make a cat, when Dr. Morris, who was lying on a table, went through the door of an adjacent room and went to Ensign Cullen, who was out on the road, looked into the paper; Dr. Morris looked; and both officers whispered; I heard the order through Corporal Hunter; that is I heard the corporal say, "The men are to be shot." Hunter accordingly went to the posts and was loosing the three men; one of the prisoners, Richard Walton, was about to speak. Hunter slap him in the mouth and asked him how he dared to speak when brought there. They were immediately loosed from the post and they were going to shoot them opposite the Post Office, but Mr. Manning begged them not to shoot them there, and the prisoners were then taken a little way down the road which leads to Holland Bay, south east, and tied one after the other to the Duckenfield fence. I went out in the main road where I could see the soldiers range themselves up opposite the fence where the prisoners were tied. Dr. Morris went with the soldiers. Ensign Cullen went part of the way down, but I cannot say how far, because my attention was more taken up with where the men were; I heard the report and I saw the guns, the rifles, at the "present," but owing to the bend of the road, and the thickness of the fence, I did not see the bodies when they were shot; I was so bewildered that I could not go where the soldiers were at that moment. I was at that time in the middle of the road, straight in front of the Post Office box. After they returned I saw Hunter's sword with blood and brains upon it, and he looked for something to wipe it off. After they came back nothing particular transpired, and the officers went to bathe. Then I went down to look at the bodies; the brains of one was over his face; I could not tell who it was, for the sight was so frightful, I could not examine who it was. The three were all dead, perfectly dead, with their arms tied to the bamboo fence behind them. They were the same men I saw taken down the road.

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661. What soldiers were they that you speak of?—Black soldiers; there were three white men amongst them; two officers, and the serjeant-major was a white man.

662. Did you hear any statement made, in Ensign Cullen's hearing, of what offence the prisoners had committed?—I did not.

663. How far down the road do you think the prisoners were taken; that is from the Post Office?—I cannot positively say; but I should think some 60 yards.

664. As far as you are able to estimate, how many soldiers went down to the bamboo fence where the prisoners were shot?—I should think the highest number would be 14; but of that I cannot be positive, as I did not count them; I mean soldiers who took their rifles with them.

665. On which side of the road, as you stand at the Post Office looking to Holland Bay, were the soldiers ranged, when down at the place where the prisoners were shot; and on which side were the prisoners tied to the bamboo fence?—It was on your left side as you go to Holland Bay; the soldiers stood with their backs to the river, just before where the road bends and prevents you from seeing along the road; you could see where the soldiers stood from the Post Office. The prisoners were tied on the right hand side of the road as you go to Holland Bay.

At 12.50 p.m., while the foregoing answer was being read over to the witness, one of the members of the Court, Captain Seton, 102nd Regiment, was suddenly seized with illness, which for the time rendered him incapable of performing his duty.

The Court consequently adjourned till 9.30 a.m. to-morrow the 26th instant; and in pursuance of a General Order, dated 24th October 1866, will assemble in future in Kingston Barracks, instead of Up-Park Camp.

Twelfth Day, 26th October 1866.

On Friday, the 26th day of October 1866, at 9.30 a.m., the Court re-assembles in Kingston Barracks, pursuant to adjournment: present, the same Members as yesterday, and proceeds with the Examination-in-chief of John Anderson.

☞ The reply of the Witness to the last question put to him yesterday was read over, and stated by him to be correctly entered.

666. *By Prosecutor.*] Did you make any observation of how the brains of the one man came to hang over his face?—They came from the centre of his skull right over his face. Corporal Hunter made an observation that he had opened plenty of skulls with his sword, on the march.

667. Did you see any mark of chop or cut on the head?—The sight was that frightful, I could not go near the man to examine.

668. You have said, "The officers came up after the men were shot;" what officers do you mean; tell their names?—Ensign Cullen and Dr. Morris; and on my going down I met the serjeant-major coming up.

669. Are you a native of Jamaica, and have you any credential or authority to act as a teacher; have you been trained to it?—I am not a native of Jamaica, but of Antigua; I was brought over here by Mr. Miller, of Glasgow, Superintendent of the Mico Institution, from Antigua, where I had been trained; I was in bad health, and when I got better, I was pressed by Mr. Miller to remain here as a teacher, and I did so.

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670. Would you know Ensign Cullen again, if you saw him; if so, stand up and point him out if he is in Court?—

Witness identifies Ensign Cullen.

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671. *By Prisoner.*] Were you examined on oath at Golden Grove before Mr. Maule, on 17th March, and before the Commissioners in Spanish Town, the 3rd April 1866; and were not these times the only times that you were examined on oath about these matters?—I do not remember the exact dates, but I was examined at Golden Grove by one of the Commissioners; Mr. Lewis was then present; I was also examined at Spanish Town, and those are the only times I have before been examined on oath about these matters.

672. How long have you been living in St. Thomas-in-the-East?—Since 1843, off and on; but I have lived during that time in St. David's, and in Kingston.

673. How long have you known Manning?—Since 1855.

674. Besides being a teacher, were you a Baptist; did you tell Mr. Maule that you were?—I was, and I told Mr. Maule so.

675. Can you tell the Court about how many different times you have been at the meetings which were held in St. Thomas-in-the-East, amongst the lower orders last year (1865), and before that year?—Twice in 1865; not before that year; I do not of course mean by that, meetings for the Scriptures; but for meetings where people open their minds. Every Sunday evening I explain the Scriptures.

676. Were you a secretary or a speaker at such meetings; or at any of them, last year?—I did speak at Stokes Hall, and at Morant Bay also.

677. What did you act as, at the meeting at Morant Bay, when Mr. Gordon was there; were you not secretary?—I was not; I was one of a deputation appointed at Stokes Hall to carry resolutions to Spanish Town; but I did not go; the deputation was stopped at Morant Bay.

678. Were the general purpose and the character of the meeting at the Guinneppe tree at Morant Bay, the same as the purpose and character of the meeting at Stokes Hall; you were present at both meetings, were you not?—I was present at both. The general purpose and character of both meetings were the same—the state of the Island at that time.

679. Did you warn Manning to fly for his life; and if you did, why did you so warn him?—I did; when I received 50 lashes at Golden Grove; that is in the morning when I was tied there before I was flogged, I heard Mr. Sinclair ask two volunteers why the devil they bring this man here and leave Manning. This was the reason I warned Manning, as I then learnt his life was in danger.

680. Were you examined as a witness on both occasions, at the instance of Mr. Morgan or Mr. Payne?—I think I was.

681. In answer to a question, when you were examined on oath before the Royal Commissioners at Spanish Town: "Then none of the constables were present when they were shot?" did you answer: "They did not witness the shooting, it was too distressing"?—I think I remember that question being put to me, and I also think my answer was, that "I did not observe them going down to the place;" that is the constables. I wish to explain that I had been living from October to January in an uninhabited part of the island, at the east, because I was afraid of being shot. When then I went to Spanish Town before the Commissioners, I was bewildered, and I may have made mistakes in my evidence.

682. In answer to a question on oath before the Royal Commissioners in Spanish Town, "Was he (Ensign Cullen) there at the time the soldiers fired at the prisoners?" did you answer, "I cannot positively swear to that"?—I did.

683. Were you also then further asked, in Spanish Town, "Was he there at the time that the soldiers fired at the prisoners;" did you then answer, "I cannot positively swear to that"?—I do not remember the question being asked twice, but I think the Commissioners asked me whether Ensign Cullen went down with the prisoners, and that I said, "he moved off, but that I could not say how far down he went, and that I could not positively swear how far he went, though he moved off the spot."

684. Did you, on 17th March, at Golden Grove, before Mr. Maule, when you were examined about the deaths of the three men, ever swear to Ensign Cullen being concerned in the killing or shooting of the three men?—I do not remember stating any more than that the men were ordered to be flogged by him, Ensign Cullen.

685. Did you ever before the Commissioners, either at Spanish Town or at Morant Bay, on oath, on your examination, ever venture to swear (as you have now sworn) that you heard the order through Corporal Hunter; that is you heard the corporal say, "The men are to be shot"; is not this the first time you have sworn that, or anything like it?—This is the first time I swore to that; I said I heard the order, but did not say through what channel I heard it.

686. Did you ever, either at Spanish Town or Golden Grove, venture to swear (as you have now sworn) that Richard Walton was about to speak, and Hunter slapped him on the mouth, and asked him how he dared to speak when brought there; or anything like that; is not this the first time you have sworn that, or anything like it?—I cannot remember whether I swore that before or not.

687. Did you ever before, either at Spanish Town or at Golden Grove, venture to swear as you have now sworn, that Manning begged them not to shoot the prisoners there (near his shop); is not this the first time you have sworn that, or anything like it?—To my recollection, this is the first time I have sworn that, the reason being that now my mind is more serene, more calm.

688. Did you ever before, either at Spanish Town or Golden Grove, venture to swear as you have now sworn, "that you went out (of the shop) into the main road, where you could see the soldiers range themselves opposite the fence where the prisoners were tied"; is not this the first time you have sworn that, or anything like it?—I cannot remember whether I did swear to that or not.

689. Did you ever before venture to swear that "Hunter had a sword with brains and blood on it, and he looked for something to wipe it off"; is not this the first time you have sworn that, or anything like it?—I do not remember whether I mentioned that or not before; I told them about the shooting of the three men at the bridge, but there were many particulars I did not tell them which I have told here.

690. Did you ever before, at Spanish Town or Golden Grove, swear, as you have now sworn, that Corporal Hunter made any remark that he had "opened several skulls on his march"; is this the first time you have so sworn?—This is the

the first time to my recollection I have sworn that.

691. Did you ever before swear what you have sworn to now, viz.: "that you observed the brains hanging from the centre of his skull," and also "that you saw the brains on the sword"; is this the first time you have so sworn?—I said before the Commissioners that the skull of one of the men was split open, but I did not say what my impression was as to the weapon with which it had been so split, nor did I say anything about the blood and brains on the sword.

692. Do you intend that the Court is to understand from you that you remember details of all the circumstances of these matters better now (12 months ago) than you did five or six months ago, when you gave your evidence on oath?—I do; because I prayed to the Lord and he assisted me, and the things appear to my mind as if yesterday.

693. Have you a good or bad memory; has your mind been wandering on account of all you say you suffered?—I think I have a good memory; but, as I have already stated, when I was before the Royal Commissioners my mind was wandering.

694. Did you mention on 17th March, or at any other time, to Mr. Lewis, at Golden Grove or elsewhere, anything about the killing or the shooting of these three men when he took down your statement; did you tell him any of the new statements which you have been swearing to before the Court here?—I think I told Mr. Lewis about the three men; but I cannot remember whether I told him the statements I have made in full to this Court.

695. Tell the Court your recollection as to the number of persons (not soldiers) who were all about the Bridge, Post Office, &c. &c. on the day you speak of?—I could not swear to the number.

696. Are you able to swear that you and Manning, for the last 12 months, have never spoken to each other about these matters, or about your evidence; or have you no recollection whether you did or did not so speak with him or he with you?—We have spoken to one another about this shooting, but never about the evidence. *J. Anderson.* 26 October 1866.

697. Have you done the same with Donaldson and Duany?—Donaldson I never speak to about the subject at all, though I see him at the Post Office; Duany I also see at the Light House, but with him I never speak on the subject. They were both present, and see things for themselves. The only thing we express is that we never saw things like it.

698. *By Prosecutor.*] Were you confined, in your examination before the Commissioners, to questions and answers; and were you restricted from saying more than what was strictly an answer to the question put?—I do not remember that I was.

699. *By Court.*] You say you saw the soldiers ranged up when they fired. How many times did the soldiers fire?—Three different times, one after the other; the third time Dr. Morris presented a rifle.

700. What interval of time was there between each discharge?—There was an interval, but I cannot say how long it was.

701. About how many men fired at each discharge?—Between four or five, perhaps more; I cannot swear with precision to the exact number; but more than two.

702. Did you see them load?—I did not; for many were loaded when the cry of "prisoners come" was made; many of the soldiers took up their rifles, and said they were "all right."

703. Did you see Mr. Manning anywhere when the soldiers fired; and, if so, where was he then?—I did not observe him at the time.

704. Did you tell Mr. Maule, on oath, or Mr. Lewis at Golden Grove, in last March (as you have sworn here to-day), that you saw Dr. Morris with a rifle at the shooting, or that he presented it the third time at the prisoners?—I think I said to both those gentlemen that I saw Dr. Morris with a rifle, but I said nothing as to what time he presented it.

[The Witness withdraws.

Seventeenth Witness for Prosecution.

THOMAS CLARK, a Labourer, residing on Holland Estate, being duly sworn, is questioned by the Prosecutor.

705. *By Prosecutor.*] Do you remember martial law?—Yes; I do. *T. Clark.*

706. Did you know a man named Richard Walton?—Yes.

707. Where is Richard Walton?—He is shot.

708. Who shot him?—Soldiers.

709. Did you see the soldiers shoot him?—Yes.

710. When did you see it, and at what place?—On a Saturday, at the Iron Bridge.

711. What sort of soldiers; what colour?—Black soldiers.

712. Did you see Richard Walton come to the Iron Bridge; who brought him?—I did; constables brought him.

713. Did anybody come with Richard Walton; any other men?—Yes; two more were with him.

714. Do you know the names of the other two men?—I know the name of one, Richard McCall.

715. Who took Richard Walton, and the other men, from the constables?—Black soldiers.

716. What was done with the prisoners when they came at first?—They take them, and tie them to the post in front of Mr. Manning's shop.

717. After they tied them, what did they do with them?—They, that is the soldiers, were going to shoot them in front of Mr. Manning's shop, but he ordered them off.

718. When Mr. Manning ordered them off, what did they do?—They loosed them, and carried them down to the bamboo corner—the soldiers did.

719. When they carried them down to the bamboo corner, what did they do?—I could not see what they do in the bamboo corner from where I stood in the road.

720. Did you see any officer at the shop before the prisoners went down?—Yes, I saw two officers; I do not know their names.

721. How far did the soldiers take the prisoners?—They carried them away from the shop, not very far from the carpenter's shop.

722. Is there any bamboo fence near the place?—Yes.

723. Where

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723. Where is the bamboo fence, and did you see anything done there?—The logwood corner, right-hand way. I was standing up in the road when I heard the gun fire, and after that I saw the soldiers come back.

724. When you heard the gun fire, did you see the three men, the prisoners?—Yes.

725. Where were they at that time?—They were at the logwood corner.

726. Were they walking or standing, or how?—I did not see them; the soldiers got them in the bamboo corner.

727. Did you go away from the Iron Bridge, and did you come back the same day?—I went away to Golden Grove, to carry soup for the doctor; I came back the same day.

728. When you came back, did you go to the bamboo corner?—Yes, I walked down to the corner.

729. What did you see there?—I saw the three dead men.

730. Were they lying down, or how?—They were bowed down.

731. Were they tied or loose?—They were tied to the bamboo railing, their two hands tied aback of them.

732. Did you see any officer go down with the prisoners and soldiers to the bamboo corner?—I saw one of them that went down with them.

733. Were any of these three men family to you?—No.

734. When was all this you have been telling?—I cannot tell the month or the year.

735. Was it before last Christmas?—I cannot really say.

736. You have said you remembered martial law; was it in martial law time?—I do not remember the time.

737. *By Prisoner.*] When you say you could not see what the soldiers were doing with the prisoners in the bamboo corner, were you standing on the road in front of the shop?—I was standing most at the cross-path, where one road leads to the Bridge and the other to Holland Bay.

738. Is the cross-path between the shop and the Iron Bridge?—It is where one road goes over bridge, and the other straight on.

739. Have you kissed the book in Spanish Town or St. Thomas-in-the-East about all this story?—No.

[The Witness withdraws.

Eighteenth Witness for Prosecution.

ELIZA PHILLIPS, residing at Holland Estate, St. Thomas-in-the-East, being duly sworn, is questioned by the Prosecutor.

E. Phillips.

740. *By Prosecutor.*] Do you remember martial law time?—Yes.

741. Do you know the Iron Bridge at Duckenfield, and Mr. Manning's shop close to it?—I know them both.

742. Did you go to the Iron Bridge about that time, and can you tell when?—I went in last year, October.

743. What day of the week was it?—A Saturday.

744. Did you see any soldiers there, and what sort?—Black soldiers, and one or two white among them.

745. Did you see any officers with the soldiers?—I do not know officer from soldier.

746. Was there among the soldiers any relation of yours?—Corporal Hunter was there, he is family to me (that is a relation).

747. Did you see any prisoners brought in?—Yes.

748. How many? If you know the names, tell the Court.—There were three, but I do not know their names.

749. Who brought the prisoners?—Three constables.

750. Who took the prisoners from the constables?—Corporal Hunter.

751. What was done with the prisoners, so far as you saw yourself?—When Corporal Hunter took the prisoners I did not see what was done, as I went back to the kitchen.

752. Did the soldiers press you to cook for them?—Yes.

753. What were you cooking?—Rice; but I do not know the names of the soldiers it was for.

It being now 4 p.m. the Court adjourned till 9.30 a.m. 27th instant.

THIRTEENTH DAY, 27th October 1866.

On Saturday, the 27th day of October 1866, at 9.30 a.m., the Court re-assembles pursuant to adjournment: Present, the same Members as yesterday; and proceeds with the Examination-in-chief of ELIZA PHILLIPS.

E. Phillips.

754. *By Prosecutor.*] WHEN you put the rice on the fire, did you come out of the kitchen, and what did you see then?—I came out of the kitchen, but I did not see anything then.

755. What did Corporal Hunter do with the prisoners?—I do not know what he did with them.

756. Did you see anybody box any of the prisoners?—Corporal Hunter did.

757. After Corporal Hunter boxed the prisoners, what did he do with the prisoners?—I did not see what they did with the prisoners, for I went back to the kitchen.

758. Did you see the prisoners carried away from Mr. Manning's door?—When I came out of the kitchen, I saw them going down the road.

759. Down which road do you mean. Where does

does the road lead to?—The road leads to Holland Bay.

760. How far down the road did the prisoners go?—I really cannot tell, for, as they were going along, I turned back into the kitchen.

761. Who went down the road with the prisoners?—I see Corporal Hunter; he is the only one I know.

762. Did you see anybody else. If you do not know the names, tell how many, as near as you can guess?—I saw more soldiers, but I cannot reckon them.

763. Is there any bamboo fence on the road?—Yes, there is a bamboo running into a logwood fence.

764. When you saw the prisoners, were they loose, or how?—When I saw them, their hands were tied behind their backs.

765. Did you see who tied their hands behind their backs?—No.

766. Did you hear any guns go off?—Down in the kitchen, I heard guns go off.

767. Where were the prisoners at that time?—I do not know, I cannot say.

768. Did you see anybody tie any of the prisoners to anything?—No.

769. When you heard the guns go off, was it after you saw the prisoners and Corporal Hunter and the other soldiers go down the road?—Yes.

770. Did you go to the cross-pass at all that day?—Yes.

771. What did you see when you were at the cross-pass?—When I was at the cross-pass, I saw the men going down the road, and I turned back, and went into the kitchen.

772. *By Prisoner.*] Is the kitchen behind the shop?—Yes.

773. About how many yards behind?—About three yards. *E. Phillips.* 27 October 1866.

774. You say Corporal Hunter is your family; did you see him and other soldiers plenty of days during martial law about the Post Office and Iron Bridge, and the road there?—Corporal Hunter is my cousin, and he asked leave to go and see his family; and he came to the Iron Bridge on a Saturday in martial law; I saw him when he came to see the family, and so I knew him. I did not see other soldiers plenty of days during martial law; I saw Corporal Hunter two times; the first time I saw him was before martial law.

775. Was Corporal Hunter about there to see his family, more days than one; how many days did he stop to see his family?—One day I saw him come to Holland.

776. Do you know that these soldiers were about there for a week or 10 days?—No, I cannot tell for that.

777. Did you kiss the book before this time, about the matter at Spanish Town, or anywhere else in St. Thomas-in-the-East?—No.

778. *By Court.*] When you were in the kitchen how many guns did you hear go off; how many times did you hear guns go off?—I could not say; I did not reckon how many guns, nor can I say how many times guns go off.

779. What is a yard; point out the distance?

The Witness points out what she considers a yard to be, and the distance was found to be two paces.

[The Witness withdraws.

Nineteenth Witness for Prosecution.

JOHN FLEMING DUANY, Lighthouse Keeper at Morant Point, being duly sworn, is questioned by the Prosecutor.

780. *By Prosecutor.*] Do you remember the time of martial law; where did you live at that time, and what was your occupation?—I remember martial law; I was then lighthouse keeper and lived at Morant Point. *J. F. Duany.*

781. Did you go to the Iron Bridge during martial law; if so, state when?—I went to the Iron Bridge on the 21st October 1865, on a Saturday.

782. Whom did you see when you arrived there?—I saw a lot of soldiers there.

783. Who did you see in command of the soldiers?—Ensign Cullen.

784. Did you see any one with Ensign Cullen?—Dr. Morris was lying on a table in Mr. Manning's; Mr. Cullen was sitting at the door.

785. Who went with you to the Iron Bridge?—A constable named Speed, who lives at Holland Bay.

786. Did anything like alarm or noise attract your notice, after you arrived at Mr. Manning's shop?—Yes, the soldiers make a noise, and say a prisoner get away, and they run to try and catch him; some went one way and others along the road to the Bay; some went down the road, and some went up the road, to try and meet the prisoner; they did not catch him, but they met the other three prisoners.

787. Go on and tell the Court all you saw?—Two constables and a bookkeeper from Duckenfield, named Bryan, brought in three prisoners; Ensign Cullen went out in the road and met them, and among the prisoners, I know one of them; named Richard Walton, and I went out into the road and went up to Ensign Cullen and asked him what these people were doing, and he said, they have been taking a few nails; I said, pointing to Walton, "I am very sorry to see that man into it, because he is very useful to us at the lighthouse; when we have any express message to go into Kingston, he never refuses to go." I asked him what he intended to do with him, and he said he would flog him, "I said very well, he should not interfere with what does not belong to him;" Mr. Cullen then went into the store and asked Mr. Manning for some twine to make a cat, and Mr. Manning handed him a ball, and he gave it to Corporal Hunter, and he cut the twine and was making the cat; when the cat was nearly finished, I saw the black soldiers loosing the prisoners, who were tied to a post, and taking up their rifles quite in a hurry, and one soldier begging of another for a chance, saying, "Oh, give me a chance; oh, give me a chance," I then said, "What are you going to do?" and one of the soldiers say, the Doctor order them to be shot. I said to Mr. Manning, "It is a pity to shoot that man," meaning Walton, "let us go and speak to the Doctor;" and he, Mr. Manning, said "You better not interfere as they

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may shoot you yourself." I then kept in the shop and would not go out after that; while Hunter was loosing the men from the post, he said to them, "You had better say your prayers at once, you soon out of this;" a man attempted to say something and he boxed his mouth, and he told him to "shut his mouth, he ought to have said his prayers since last night." When Mr. Manning heard they were going to be shot, he came out and begged them to take them away from the door, and they, the soldiers, then took the prisoners down the road, the road which leads to Holland Bay; they march off from the shop, the Doctor and Ensign Cullen with them; I kept myself in the store after that and did not go out. I heard two volleys fire, and I stepped to the door and peeped out; when I did so I saw one man standing against the fence, that is, I saw his head; I could then see the head drop, as the gun went off. After the men were shot, the Doctor and the officer came back to the shop, and they asked for a bit of soap to bathe. Corporal Hunter came up to the shed, and said, "I have just eaten my breakfast now; my gun was long dirty, and wanted to be cleaned;" he was then wiping the nipple; I then went on to the Golden Grove, and left the soldiers at the Post Office.

788. Do you know the names of the constables?—I do not know them well. I heard one was named Wills, and one Colson.

789. Do you know the names of any of the other two prisoners, other than Richard Walton?—No; I did not know them before; I did hear their names afterwards, but I quite forget them.

790. Who boxed the prisoner in the mouth?—The man Hunter.

791. What post were the prisoners tied to before they were taken down the road?—One of the posts of the shed, in front of the door.

792. How far down the road did they go?—I cannot exactly say, but some 70 or 80 yards.

793. How many prisoners were taken down the road?—Three.

794. The man whose head you saw drop, just after you heard the gun, did you see him taken across the road?—They took them away across to the bamboo fence of Duckenfield, and the soldiers stand with their backs towards the river and fire across the road.

795. What door were you standing at, when, as you say, you peeped and saw what you have narrated?—Mr. Manning's shop door, the middle door.

796. Were you up on the floor, or down on the ground?—I was on the floor.

797. Are you quite certain that the two officers, Dr. Morris and Ensign Cullen, went away from the shop with the prisoners down the road?—Yes; they marched off from the shop, but whether they went the whole way up to the spot, I do not know.

798. Standing on the floor of the shop at the middle door, can you see if you stand upright?—A tall person could not, a short one could; when I came to the door I stooped a little to see, because the shed is in your way.

> The Witness here requests that the previous question (797) and answer might be read over to him, and on this being done, he requests that the following explanation may be added to his reply.

I mean that I do not know how far down Ensign Cullen went, but I know that Dr. Morris was on the spot when the men were shot.

799. Are you quite certain that both the officers, Dr. Morris and Ensign Cullen, returned to the shop together, and that they were together when Dr. Morris asked for the soap?—Both came up together; and both went to the river, and I went off to Golden Grove.

800. Have you ever seen Richard Walton since that time?—No; I could not see him after he was shot; I did not pass that way, but went over the bridge.

801. Do you know Ensign Cullen, point him out if you do, if he is in Court?—Yes, I know him (*witness identifies Ensign Cullen*).

802. *By Prisoner.*] Were you examined on oath at Spanish Town, and no where else, before the Royal Commissioners. Can you tell the Court the date, the month, and the year when you were so examined?—Nowhere else, but at Spanish Town; it was this year, about April, I think, but I am not sure of the time.

803. In answer to a question before the Royal Commissioners at Spanish Town, "Do you remember what day it was?" (meaning the day you saw the soldiers and prisoners at the Post Office), did you answer. "It was on a Saturday, I do not know the date"?—I think I did tell the day.

804. Is your memory uncertain about that which you swore to only last April?—I do not recollect whether I did state the day of the month, though I think I did.

805. In answer to a question before the Royal Commissioners at Spanish Town, "You did not hear the Doctor yourself do that" (order them to be shot); did you answer, "No, he was in the room"?—I do not recollect that question being put to me in Spanish Town, nor my making that answer.

806. In answer to a question before the Royal Commissioners at Spanish Town, "Now just explain this to us" (meaning putting up one after the other and shooting him), "Where were you standing when the men were shot?" did you answer, "I was in a shop, look through the glass; I could not bear to go near"?—Yes, I did.

807. In answer to a question before the Royal Commissioners at Spanish Town, "Who was in the room when you were looking out of this window" (meaning when you say the men were shot), did you answer "Several; Manning, his boy, and Anderson?" "They were all in the room with me"?—I do not recollect that.

808. In answer to a further question then put you, "They were all in the room, were they?" did you answer, "Yes, only just peeping out." And in answer to a further question, "You are quite certain they were in the room?" did you answer, "Yes"?—I cannot recollect either question, or my answers to them.

809. In answer to another question before the Royal Commissioners at Spanish Town, "You say you saw Manning's boy in the room, at the time these people were being shot?" did you answer, "Yes?"—I do not recollect that I did.

810. In answer to a further question before the Commissioners, "And Anderson, the schoolmaster, you say you saw him in the room?" did you answer, "Yes?"—I do not recollect; all were in the store, but when the order was given for the men to be shot, I do not know who was out or who was in.

811. In answer to a further question, "Did you

you continue in the same room till you heard the guns fire, and the man shot?" Did you answer, "Yes"?—I believe I did.

812. Is it that you swear that you do not recollect the exact form of questions and answers asked now, or that you do not recollect the substance of such questions and answers as are now being put to you; you are required to answer substantially as to your knowledge and recollection of these matters?—I do not understand that; (*and on the question being illustrated by a reference to Question* 809, *as an instance, the Witness answered*) that question may have been asked, but I have no recollection of its having been asked.

813. Do you mean that you do not remember the mere form of questions and answers, or that you do not recollect the substance of the questions and the answers read to you just now?—I am an illiterate man, I cannot understand such hard questions; but if you ask me plain questions, I can answer them.

814. As you cannot remember what you swore to at Spanish Town, what is your evidence on this point, and which is correct; that you were standing at Manning's shop-door, or was it that you were looking through the glass?—I looked through *the* glass sometime; but when I heard the guns fire, I looked out at the door.

815. Did you ever before at Spanish Town swear that the soldiers said, "Give me a chance; give me a chance"?—Yes, I did.

816. Did you ever, before the Commissioners on oath at Spanish Town, swear that "Manning came out and begged them to take them away from the door, when he heard they were to be shot," or is this the first time?—I think I mentioned that in Spanish Town to the Commissioners. *J. F. Duany.* 27 October 1866.

817. Will you now swear that from the shop in which you were standing you could at the very same time see the place where the soldiers stood at the time of the firing at the prisoners; or that you could then see Dr. Morris on the very spot?—I could see the soldiers and the doctor all at the spot.

818. Will you now swear that from the shop in which you were standing, you could see the bamboo rails to which the prisoners were tied, or any head at all there then?—I could not see the bamboo exactly, on account of the logwood fence; but I could see the man standing against it; the head I mean, not his body.

819. Did you peep your head out at all till you heard the report of the guns?—I did not peep out till after two volleys were fired; then I thought it was all over, and I peeped out; and then I saw the head of one man standing, and the gun went off and the head drop.

[The Court adjourned at 2 p. m. till 10 a.m. 29th instant.

Fourteenth Day, 29th October 1866.

On Monday, the 29th day of October 1866, at 10 a. m., the Court re-assembles pursuant to Adjournment—present, the same Members as on Saturday last, 27th instant—and proceeds with the Cross-examination of John Fleming Duany.

820. *By Prisoner.*] On Saturday, in cross-examination before this Court, you stated that "As I heard two volleys of the gun, and I thought they had finished, I peeped out." Were you not asked by the Royal Commissioners this question, "How many volleys had been fired before that (meaning the last man you say you saw shot)? Did you reply, "I did not notice how many volleys; I did not keep count"?—I believe I did say that to the Commissioners; I meant, I did not count the guns; but that there were two volleys before I looked out.

821. Were you asked this question by the Royal Commissioners, "Was he (meaning one of the prisoners) standing alone, apart from all the others?" Did you reply, "I could not see the man plain, because it was just at the back of a *little* logwood?—Yes.

822. Did you further answer, "I could only see the head of the person, I could not see his body?"—Yes, I said that.

823. Did you ever, before the Commissioners in Spanish Town, swear that Hunter said, "You best say your prayers at once," and that he boxed one prisoner in the mouth who endeavoured to speak, and said to prisoner "he ought to have said his prayers since last night," or is this the first time?—I think I stated that in Spanish Town.

824. Did you ever swear before the Royal Commissioners, that Manning said, "You had better not interfere or they will shoot yourself;" or is this the first time you mentioned it?—I am not certain whether I said that in Spanish Town. 29 October 1866.

825. Do you recollect being asked this question by the Royal Commission (consider before you answer), "Did they shoot one man at a time, he standing alone?" Did you answer, "I think they did." In continuation were you asked, "You think they did; were you looking?" Did you answer to this, "No, I did not give a look"?—I do not recollect; they may have asked me those questions, but I do not recollect.

826. Will you endeavour to recollect whether the following question was put to you by the Royal Commissioners, when you were examined before them: "Did you see him (meaning Doctor Morris) speak to any one? Did you answer "No?" referring to the time when the men were loosed to be shot?—They might have asked me, but I do not recollect.

827. Did you not, in the months of February and March 1866, see large placards or hand-bills all over St. Thomas'-in-the-East, that Mr. Lewis was appointed, by the Royal Commissioners, to inquire into all the matters connected with the martial law in October 1865, and did you give any information to Mr. Maule, Mr. Gurney, or Mr. Lewis before you went to Spanish Town in April?—I did not see any hand-bills, but I heard they

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they were stuck about; the lighthouse where I live is about five miles from all neighbours. I heard that Mr. Lewis was at Manchioneal, but I did not see him. I gave no information to those gentlemen before I went to Spanish Town.

828. Will you now positively swear that from the shop or post-office door (the middle door), where you say you stood, you could see whether the prisoner's head you say you saw fell, forward or backward, or how. Recollect yourself. Would the logwood fence or the distance allow you to do that?—I cannot exactly say whether forward or backward; but the man just drop when the gun went off.

829. You have sworn you are "illiterate." Can you read or write, or keep lighthouse accounts?—I can read and write a little. I do not keep the accounts; the principal lighthouse-keeper does that; I cannot keep the accounts.

830. *By Court.*] Have you, since this trial began, when in company with Mr. Manning, had any conversation with him as to his evidence or your own evidence?—Since the Court commenced I have not.

[The Witness withdraws.

Twentieth Witness for Prosecution.

THOMAS WEDDERBURN, head man of a gang, residing at Amity Hall, being duly sworn, is questioned by the Prosecutor.

Thomas Wedderburn.

831. *By Prosecutor.*] Do you remember the time of martial law; and where did you live at that time?—I remember martial law; I lived then at Amity Hall.

832. Do you remember going to the Iron Bridge to do anything particular during martial law?—Yes; on a Sunday in October, last year, Zachariah Bayley came and call me, and I went with him to the grass piece at Duckenfield; saw three men tied to the bamboo fence, and we digged holes—a grave to bury them, then loose them off the fence and bury them, in the same grass piece of Duckenfield, by the Iron Bridge there.

833. How many graves did you dig; did you put the three bodies in one grave?—One grave, the three bodies were put in the one grave.

834. How did you put them in the grave. Describe it to the Court?—We put two at the side, that is side by side, and the third at the feet of the others.

835. Were the men dead or alive when you first went to the fence, when you saw them tied?—Dead.

836. Did you know these men; were they friends or family to you?—I do not know them at all, they were no friends or family to me.

837. Were there other people besides you to dig the grave; if so tell as many of the names as you remember?—John Wright, William Huntingdon, Nathaniel Wilkie, Zachariah Bayley, David Thomas, Charles Robinson. There were nine of us digging; just now I do not recollect the names. Yes, I now remember Richard Taylor; Harriett Warren was there, but she did not dig.

838. Did you dig up the bodies of the three men at any time afterwards, and when?—Yes. I did this October.

839. How did you know where to find the grave; is there any mark by which you knew the place at once?—There is a large bastard cedar root at the foot of the grave. I knew it by that.

840. How far from the fence side is the grave; show the Court as near as you can?—The distance is about the width of this room, (*found to be six paces, called by the witness about a yard, but explained by him afterwards as being a mistake in calling it a yard*).

841. Do you know Mr. Manning's shop, which is near to the Iron Bridge?—Yes.

842. How far is the fence from Mr. Manning's shop; the bamboo fence that the three men were tied to?—I think the distance is about as far as from here to the barrack there (*pointing to the soldiers' barracks across the square*), and found on measurement to be about 73 paces.

843. Are you sure the bodies you dug up were taken out of the same grave into which you had put the three bodies in October last year?—Yes.

844. When you dug up the bodies, how did you find them in the ground?—We find them the same way we buried them.

845. Did you observe anything round the waist of any of the men before you buried them?—Yes, one had a thick leather strap round his waist, the other had a leather band.

846. What did you find in the grave when you dug up the bodies?—We found one of the straps the same.

847. Who was present with you when you dug up the bodies?—All those who buried the bodies were the very same who dig them up again.

848. Were any gentlemen present when you dug up the bodies, and do you know any of their names?—Yes, there were gentlemen present, but I do not know their names. A doctor I believe was present counting the bones, but I do not know his name.

849. *By Prisoner.*] What did the persons who dug up the bodies use to dig up the earth and bodies?—They used hoes.

850. How many hoes were used by the nine people?—I did not count the hoes; some have hoes, some have shovels.

851. How many do you think had hoes; how many do you think had shovels; state to the best of your recollection, it only took place this month?—I did not observe in the hurry of digging how many had hoes or how many had shovels.

852. Were there three hoes or five; were there three shovels or five; how can you tell the exact nine people and yet not tell the exact number of hoes or shovels, only this very month?—Well we did not all work together; when one get tired he draw back and other take his place; we work by spell; I think there were four hoes, and I think three shovels.

853. Were hoes and shovels all the tools that were used; will you swear that no pickaxe or crowbar or digger was used; can't you recollect that, only same month; you tell all the rest?—This October when me dig up the bodies nothing but hoes and shovels were used.

854. Did

854. Did you work at the grave in digging up the earth the same as you do in a field, or in a cane piece or in your grounds; in a row, or how?—We dug up the grave same as we dig cane holes, but we did not all work at once.

855. Was the sun so hot that you nine people had to spell each other in this digging into this hole?—Yes.

856. Did you work in spells of four and four, or how many of you take spell when digging the hole at the same time?—Four work first and afterwards the five.

857. You say you found the bodies same as you buried them; did you take out of the hole each body perfect in itself, or in pieces of bones; had not the doctor to count the bones when taken out?—The bodies were not perfect; the flesh was rotting off. We took them out in pieces. The doctor did count the bones.

858. You say you found the bodies same as you buried them. Now did you not take up the bodies in pieces; in bones, one, two, three or more bones at a time; put them down outside, and then take out more from inside the hole?—Yes, first we take out the back bones and the ribs, the head, then the legs and the shank bones.

859. Was the grave long enough to put the one body, which you say was put at the end of the other two, at its full length; or was part of this body placed over or between the other two bodies or any portion of them?—The third body was at full length, but it was placed a little over the other two bodies. *Thomas Wedderburn.* 29 October 1866.

860. You say the hole dug for the full length of the three; why then did you not bury the three bodies each at full length?—The hole was long enough to hold the two, side by side, and then the other at the end; but not wide enough for the three.

861. Did you see the bastard cedar stump there at the time you dug up the bodies; how many Christmases had you known this bastard cedar stump before?—We saw it; we dug the grave by the stump for a mark; I never know of it before, till the time we go to dig the grave.

862. Did you ever kiss the book anywhere in St. Thomas'-in-the-East or in Spanish Town about this story, before this day?—No, this is the first day I kiss the book.

863. *By Prosecutor.*] When you were taking out the bones as you have described, did you see how they were lying, from the way in which you picked them out?—The same way we laid them; the same way we picked them out.

864. *By Court.*] Did you take out a bone the moment you saw it, or did you first lay the bodies bare by clearing off the earth?—As fast as we found the bones, we took them out.

[The Witness withdraws.

Twenty-first Witness for Prosecution.

HARRIETT WARREN, residing at Amity Hall Estate, being duly sworn, is questioned by the Prosecutor.

865. *By Prosecutor.*] Do you remember the time of martial law?—Yes. *H. Warren.*

866. Did you go to Mr. Manning's shop near the Iron Bridge during martial law; and if you remember what time, state it?—I went there last year, October 22nd, a Sunday.

867. Did you see anything particular anywhere near to Mr. Manning's shop; tell the Court what it was?—I saw three dead men tied to the bamboo fence; the fence is on Duckenfield Estate, and it run into the logwood hedge.

868. Did you know the men; if so state their names?—One was Tommy Miles, one Richard Walton, and one is John M'Call.

869. How were the men tied?—Tied behind their backs, and their heads bowing forward, looking down on the ground.

870. Who was there with you; state the names?—John Wright, William Huntingdon, Thomas Wedderburn, David Thomas, Charles Robinson, Zachariah Bayley, Richard Taylor, Natty Wilkie.

871. How did the three men look; did you see anything particular about any of them?—I saw the brain fall out of one of the skulls that was mashed, and one of Mr. Manning's fowls eat them up on the ground; I also saw that Richard Walton had a wound in the side of his belly, a cut that went in one side and came out the other.

872. Did you see the wound in the flesh, or the shirt torn?—I did not see the shirt; I saw the cut in the belly side.

873. Did you see what was done with the dead bodies?—I saw John Wright and the rest dig a hole, and put the three dead men in; I saw them put two side and side, and the other one at the feet, in the middle of them.

874. Where did they take them from to put them in the hole?—They took them from the bamboo fence.

875. Did you see anything round the waists of any of the men?—John M'Call had a leather band round his waist.

876. Were these men creoles, or what countrymen; were any of them family to you?—John M'Call was an African; Richard Walton also African; none of them family to me.

877. Did you go back to the spot where the men were buried; and when, and how did you find the spot; did you have to look about for it, or did you go straight to it?—Yes; I went back; I went straight; I know it by a cedar stump, mark it; I went back this month, this year.

878. Who went with you to the grave when the bodies were dug up; tell their names?—Zachariah Bayley, William Huntingdon, Thomas Wedderburn, David Thomas, Charles Robinson, Richard Taylor, and all went together to dig up the bodies.

879. What did you see done when you went back to the grave?—They dig up the bodies, and lay them on a board.

880. How did they find the bodies?—They find them, two side and side and one at the feet.

881. Was any gentlemen there when they dug up the bodies, and if you know their names, tell them?—Gentlemen were there, but I do not know

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know their names, except that one was Mr. Daniell.

882. Was anything found in the grave besides the dead bodies?—Yes; they find a sixpence and a pipe, and a piece of the leather band.

883. Are you quite certain that the bodies dug up were taken out of the same grave in which Walton, Miles, and M'Call were buried last October?—Yes.

884. *By Prisoner.*] You swear you cannot remember the day or date of this same month this year, when you went to see the grave. How is it that you can remember that the 22nd October last year was the day when you say you saw the bodies at the bamboo fence?—I cannot recollect the day this month when I went to see the grave. I recollect the 22nd October was a Sunday, because I was going to church, and there was no church, so I came back and took off my clothes.

885. Did you ever kiss the book before about all this?—No; I never kissed the book before.

886. Can you read or write?—No; neither can read or write.

887. Did you take any memorandum of the date, 22nd October, at the time, or did any one tell you the date since? or did you get any one to put it down for you last year?—My husband put it down last year on the Sunday.

888. Did you and the other witnesses, who you say were present at the bamboo fence on the Sunday, and who buried the bodies, live about Amity Hall, or in the same district?—We all live in the same Amity Hall.

889. Can your husband read or write?—Yes; he can read and write.

890. When last did you see the paper which your husband put this date down upon?—The week before last, when I come down here.

891. Will you swear that they dug up the bodies, and laid them on a board, or that they dug up pieces of bodies, pieces of bones; one or two bones first, and then one or two bones afterwards, and so on; which is true?—They did not take the bodies straight up, but pieces of bones.

892. Did you know you were going to be examined, and then ask your husband to put it down?—No, I did not ask him; he put it down himself, the day they bury the men, the 22nd.

[The Witness withdraws.

Twenty-second Witness for Prosecution.

RICHARD TAYLOR, Labourer, residing at Amity Hall, being duly sworn, is questioned by the Prosecutor.

R. Taylor.

893. *By Prosecutor.*] DID you go to Duckenfield grass piece during martial law? what did you see there?—Yes; I went there during martial law. I saw three men tied up to the fence, a bamboo fence in the logwood hedge; they were dead.

894. How many people went with you, and wherefrom did they go?—Thomas Wedderburn, Zachariah Bayley, David Thomas, Charles Robinson, John Wright, Natty Wilkie, William Huntingdon, and Harriett Warren; all went from Amity Hall.

895. What day of the week was this?—Sunday.

896. Do you know the names of the three dead men?—No.

897. How did you see the men? How did they look?—They look like dead men, for they were dead.

898. Who untied them from the fence?—I do not know.

899. What did you and the other people do when you got to the bamboo fence?—We dig a hole in the grass piece, and we take the dead men from the fence, and put them, three of them, into the hole.

900. What made the people from Amity Hall go and bury the dead bodies?—I met two black soldiers in the road at Amity Hall, near Mr. Cornwall's shop, and they tell me, three dead men at the bamboo fence; must go and bury them.

901. How did you put the men in the grave?—We put two side and side, and the other one down at the two foot.

902. Did you see anything particular round the waist of any of the men?—Yes; I saw a leather band round one of their waists.

903. How far inside of the fence did you bury the men?—About as far from the fence as I am from that wall (*pointing to the one opposite.*)

904. Have you been back to that grave since that time, and when?—I went back again when we dig them up; I do not recollect the date, and the month slip out of my mind.

905. Whom did you see there?—Thomas Wedderburn, Zachariah Bayley, David Thomas, Charles Robinson, William Huntingdon were there; also Natty Wilkie.

906. How long ago do you think it is? How many weeks past since you dug up the bodies?—About five weeks past now, I think; I guess about that time.

907. Did you see any gentlemen there when you dug up the bodies?—Yes; there were several gentlemen; one was a doctor. (*Witness also identifies Lieutenant Colonel Daniell as one of the gentlemen who were present.*)

908. How did you find out the grave when you went back?—By the bastard cedar stump at the foot of the grave.

909. How did you find the bodies?—Two, side and side, and the third at the feet.

910. Did you take up the bodies whole, or how?—We take up the bones.

911. Where and how did you find the skulls?—Two of the skulls were side and side, and the other one below the two foot.

912. Did you find anything else in the grave?—A little piece of rope, a bit of strap, and a button; and one of the other men find a sixpence.

913. Are you sure it was the same grave you took the bodies out of as that in which you buried the three bodies in October last?—Yes.

914. Before you buried the men, did you see anything particular about the face of any of them?—I saw one of them, the brains coming out of his skull.

It being now 4 p. m., the Court adjourns till 10 a. m., 30th instant.

Fifteenth Day, 30th October 1866.

On Tuesday the 30th of October 1866, at 10 a.m., the Court re-assembles pursuant to adjournment, present the same Members as yesterday, and proceeds with the Cross-examination of Richard Taylor.

915. *By Prisoner.*] Did you ever kiss the book before in Spanish Town, or St. Thomas'-in-the-East, about this story?—No.

916. Can you read or write?—No; neither.

917. *By Court.*] During martial law, do you remember seeing a party of soldiers march past Amity Hall towards the Iron Bridge?—Yes; I saw them go over the Iron Bridge one day.

918. Did you see more than one party go over the Iron Bridge?—I only see one party go past Amity Hall and over the bridge.

919. Do you know what day of the week this party passed Amity Hall?—I do not remember the day. *R. Taylor.* 30 October 1866.

920. Was it before or after this party passed Amity Hall that you helped to bury three men?—After they passed.

921. How many days after the party passed did you help to bury the three men?—I do not remember that.

[The Witness withdraws.

Twenty-third Witness for Prosecution.

Zachariah Bayley, Labourer, residing at Amity Hall, St. Thomas'-in-the-East, being duly sworn, is questioned by the Prosecutor.

922. *By Prosecutor.*] Did you go to the Iron Bridge, or near to it, during martial law; and if you remember the day of the week, mention it?—I went there to bury three bodies; it was a Sunday. *Z. Bayley.*

923. What caused you to go to the Iron Bridge to bury the bodies?—Two soldiers, black soldiers, came to me, and told me to go bury three bodies, and get many others with me. When I go to the Iron Bridge, I saw the three men tied on to the bamboo rail; this rail is in the logwood fence; but the place where the men was tied was made of bamboo. The three men were dead. When I got to the place, I dug a grave on Duckenfield land, near by where the men were, about half a chain. We go and cut them off from the fence and bury them. We bury them with their heads westward; two, side by side, and the other was below the two, at the foot of the other two.

924. Could you know the place of the grave again?—Yes; I have a mark, a bastard cedar stump mark it.

924*. How were they (the prisoners) tied to the fence; and did you see anything particular about them?—They were tied with their hands behind their backs; I saw the brains of one hang over his face; the others had blood all over the face.

925. What do you mean by burying them with the heads westward; which ——

The Prosecutor requests permission to withdraw this question; permission granted; and question withdrawn accordingly.

926. *By Prisoner.*] Have you ever kissed the book to this story in Spanish Town, or St. Thomas'-in-the-East; is this the first time?—This is the first time I have kissed the book; but I gave evidence at Golden Grove.

927. Will you swear that you gave any evidence on oath before the Queen's Commissioner, Mr. Maule; or to this gentlemen, Mr. Lewis, at Golden Grove?—The only evidence I gave at Golden Grove was to Mr. Jackson and another gentleman (identified as Lieutenant Colonel Daniell), and that was not upon oath.

928. Can you read or write?—I can both read and write.

[The Witness withdraws.

Twenty-fourth Witness for Prosecution.

Charles Robinson, Labourer, residing at Amity Hall, being duly sworn, is questioned by the Prosecutor.

929. *By Prosecutor.*] Did you go to the Iron Bridge, or near to it, during martial law; and what did you see there?—I only go on a Sunday, and bury three men. When I go, I saw the three men tied to a bamboo with their hands behind them, and they bow upon their knees this way (*described by hanging the head and body forward*), and we dig the hole, and put the three bodies in; two side by side, the other at the foot of the other two; and I saw one with a leather band, like what I have on now. *C. Robinson.*

930. Were the men dead or alive when you first saw them?—Dead.

931. Did you see anything particular about any of their faces?—I saw one where the marrow run out of his head.

932. Did you know any of these three dead men?—No.

933. Did you go back to the grave, and when?—I went on a Wednesday in September of this year; I think about the 26th. Thomas Wedderburn, John Wright, Zachariah Bayley, William Huntingdon, Natty Wilkin, Richard Taylor, David Thomas, Harriett Warren, all these went with me.

934. Did you bury the bodies; you alone, or did any one help you?—Many more besides me; the same men.

935. Did

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935. Did any gentleman go with you on 26th September; and if you know, tell their names or point them out?—The witness identifies Lieutenant Colonel Daniell and Mr. Jackson, as having been present with him, 26th September.

936. Did you find the bodies, and how did you find them?—Don't find the bodies; find the bones; find them in the ground, where the dust eat off the flesh.

937. How did you find out where the grave was?—Because we mark it by a bastard cedar stump which was at the foot.

938. Where did you find the skulls?—We find two, side and side, and the one at the feet.

939. Did you find anything besides the bones in the grave?—We find a sixpence and a pipe, and the leather band which we bury him in.

940. Do you remember the date when you buried these men, or the month?—In October last year; I do not remember the date. It was a Sunday. We hear it was on a Saturday they shoot.

941. Did you see any soldiers pass through Amity Hall to go towards the Iron Bridge about that time?—Yes; last year October; but I do not remember what the date was.

942. *By Prisoner.*] Are not you and all the other persons whose names you have just mentioned as going with you to the hole, or many of you, staying together down in Kingston since you came up from St. Thomas'-in-the-East to this Court?—I have not been living with any of those people since I came to Kingston. I live in Orange-street; they live in Rae Town.

943. How many are living in Rae Town?—They are *all living in Rae Town; eight* of them.

[The Witness withdraws.

Twenty-fifth Witness for Prosecution.

NATHANIEL WILKIE, Labourer, a Creole, residing at Amity Hall, being duly sworn, is questioned by the Prosecutor.

N. Wilkie.

944. *By Prosecutor.*] Do you remember martial law?—Yes.

945. Did you go to the Iron Bridge in martial law time, and what did you see?—I went to the Iron Bridge in martial law time. It was on a Sunday, but I not recollect the date or the month. I saw the three dead men tied upon a fence, a bamboo fence, on Duckenfield. The bamboo fence was a gap in the side of the log-wood fence. I do not know the names of the dead men. We dig a hole and bury them, in the Duckenfield grass piece, by a cedar stump, a bastard cedar stump.

946. How did you find the men when you went?—Saw them tied with their hands behind their backs.

947. Is the place at which you buried them near to Mr. Manning's shop?—Yes.

948. How did you bury the men; in how many graves?—We dig one grave. We laid them two, side of one another, and the other one at the feet.

949. Did you see anything particular about the face of any of the men?—Yes, I saw a hole in the forehead of one, and the marrow running down.

950. Did you ever go back to the grave, and what did you do?—I did go back, and we dug them up. I think it was a Tuesday, about five week ago, but I do not know the month or the date.

951. Did any gentlemen go with you when you dug the bodies up?—Yes; Colonel Daniell was one of the gentlemen; I do not know the name of the other.

952. How did you find the bodies when you dug them up?—We dig up the bones; the flesh rotting off; the bones one by one. We took up all the bones, backbone and everything.

953. How did you find the skulls?—We find them in the hole, the flesh rotting off, and one with a hole in it. We find them straight in the hole. One skull had a hole popped in it; that is the hole where the marrow came out when we bury them.

954. Did you find the three skulls together, close to one another in the hole, or how?—Two of them were together, and the other at the bottom of them two, of their feet.

955. Were these old or young men; could you judge when you saw them tied to the fence?—I could not judge.

956. Did you find anything in the grave besides bones?—I find a strap, rotten.

957. *By Prisoner.*] Did you not swear just now, that when you took up the one skull which was injured, it was popped in two?—I did say it was popped in two.

958. By the word "popped," is the Court to understand you to mean that the skull was broken, cracked, or what else?—I mean that it was split open, it was open at top, but not in two pieces; it was as if a piece was cut out.

[The Witness withdraws.

Twenty-sixth Witness for Prosecution.

WILLIAM BARTLEY, a Labourer, an African, residing at Dalvey, being duly sworn, is questioned by the Prosecutor.

W. Bartley.

959. *By Prosecutor.*] DID you know Tommy Miles, Richard Walton, and John M'Call?—Yes.

960. Tell these gentlemen what has become of Tommy Miles, Richard Walton, and John M'Call?—Sunday, at five o'clock in the morning, I go to the Iron Bridge and saw those three men killed; they were tied to a bamboo fence. Richard Walton and I came in one ship from Africa, and I went up to look at him. When I looked, I looked for some one to help me to bury the men, and I could not find anybody. When I come

I come back from Dalvey I met people from Amity Hall coming to bury the men, and I helped them to dig the hole. When we dig the hole, we loose the three men from the bamboo fence and put them in the hole. When we put them in the hole, I came back; we done.

961. How did you put them in the hole?—We put them in, the heads all the same way; the two short men side by side; the long man at the end, and partly between the other two. This was on a Sunday in October last year.

962. Which part of the two men did the head of the other man come near to?—(*No intelligible reply could be obtained to this query.*)

963. Was the head of the third man at the foot of the other two?—No; the head of the three of them together.

964. Were Richard Walton and Tommy Miles put in the grave side by side?—Yes.

965. Was John M'Caul put in the middle; and was his head on the hip of the others?—Richard Walton was in the middle.

The Prisoner objects to the question as too suggestive. The Prosecutor, therefore, withdraws it; and the Witness was directed not to make any further reply.

966. Did you see anything particular in the faces of any of these dead men?—I see Tommy Miles had a cut on his head, and all the marrow came out of his head; and I see John M'Call had a cut in his neck down to his back; and Richard Walton, I see, had a shot into his neck and a shot into his belly.

967. By *Prisoner*.] Did you ever kiss the book, before to-day, to all this story?—No.

968. Can you read or write?—No, neither.

969. About how many miles do you live from the bamboo fence?—About two miles.

970. Do you know, or not, that some of the people who came with you from Amity Hall and Dalvey to this Court, about this matter, were flogged during martial law time?—I do not know that any were flogged.

971. You see sun get up when you leave home that morning?—No; sun no rise at five o'clock in the morning. *W. Bartley.*

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972. What make you get up five o'clock, to look for people to bury body, when people sleep?—He was my countryman, and he lived same house with me; and, when I missed him, I hear he was killed, I thought I must go see him.

973. You get up, miss him; that night, or when?—I miss him Saturday night.

974. When you leave Dalvey; dark night, else sun do rise?—Before daylight; I could not see my hand.

975. You miss him, Saturday night, from your house at Dalvey?—Yes.

976. You mean to swear, five o'clock morning, in October, you could not see your hand?—I cannot swear that, because I not know the time; but I came out before the sun rise.

977. What make you get up same night look for your countryman, when you hear your countryman kill already?—Because, as we live together, my heart tell me must go and see if they kill him.

978. If it was so dark, that you could not see your hand, how could you see all the particular marks, on the several men, you say you saw near the bamboo fence?—I cannot see when I come out of my house at Dalvey; but when I reached the place where the men were killed, the day was clean, and I could see.

979. Do you mean to swear that you don't know if it was five o'clock, or not five o'clock, or what time; had you a watch?—I cannot tell what time it was; whether five o'clock, or six o'clock. I got no watch.

980. How long you come from Africa?—I cannot tell how long; but I came year before first cholera come.

981. What make you no go see him, when you first hear him kill, if your heart pain you so much, to tell you go and see if they kill him; why go sleep first?—I was afraid to leave my house for fear the soldiers kill me.

[The Witness withdraws.

Twenty-seventh Witness for Prosecution.

WILLIAM HUNTINGDON, a Cooper, residing at Amity Hall Estate, being duly sworn, is questioned by the Prosecutor.

982. By *Prosecutor*.] DID you go to the Iron Bridge, or near to it, during martial law, and what did you see?—I did go to the Iron Bridge on a Sunday, last year, and I saw three men tied to a bamboo fence; they were dead. I do not know their names, as we do not live upon the one property; they were tied, behind their back, to the bamboo fence, where it join the logwood fence, at Duckenfield grass piece, near Mr. Manning's shop. Well, after we saw the men tied, we told to go dig a ditch to bury them. We did dig a ditch in the Duckenfield grass piece, about the width of this room from the bamboo fence. When we done we loosed them off the fence, and carry them in and lay them in the hole. We put two, lie close together, and the other at the back side, at the feet of the two. When we done, we covered them up and went away. *William Huntingdon.*

983. Did you go back again to the grave; if so, tell the Court what you did and what you saw?—I went back again, about five weeks ago, when the grave dug up again. When we dig up the grave, we find the men in the same way we put them in. We keep taking away the dirt, and taking up the bones. We take up all the ribs, up to the back-bone.

984. Did you see anything particular about these three men when they were tied to the fence?—I saw nothing particular; they had shirt and trouser; one man had a strap round his waist.

985. How did you find out the spot where the grave was?—There was a bastard cedar stump right at the foot to show.

986. Did you see anything that could make you know what caused these men's death?—No.

987. Did you find anything besides bones in the grave?—Only find a strap, the buttons of the trousers, and a sixpence.

William Huntingdon.
30 October 1866.

988. *By Prisoner.*] How many persons were employed in picking pieces of bones out of this hole; did each man as he dug and found a piece of bone, pull it out and put it on the board near the bank, and so on?—About nine. Yes, each man when he got a bone gave it to the doctor, and he fit it on the table.

989. Did you clean the hole well out of all the bones you could find in the hole?—Yes.

[The Witness withdraws.

The Prosecutor here announces that he does not intend to call John Wright and David Thomas as witnesses, and that he proposes therefore, if the prisoner does not intend to exercise his right of cross-examining these two men, that they should be discharged from further attendance on the Court.

The Prisoner announces his intention not to cross-examine these two men.

At the request of the Prosecutor, the Court, accompanied by the Prisoner, proceeded to the engine house in the barracks, and viewed the bones of three human bodies there laid out.

Twenty-eighth Witness for Prosecution.

BENJAMIN COWAN KERR, M.D., Assistant Surgeon 2nd Battalion 6th Regiment, being duly sworn, is questioned by the Prosecutor.

B. C. Kerr, M.D.

990. *By Prosecutor.*] DID you go to a place near the Iron Bridge, Duckenfield Estate, in St. Thomas'-in-the-East, and when, and what did you do there?—I went there on 26th September 1866, and was present at the opening of the grave, where I found three male skeletons. I had them put in three boxes and conveyed to Golden Grove, and handed them over to Colonel Daniell.

991. Will you describe the state in which you found the skeletons?—They were quite denuded of animal and visceral matter, except a few of the larger bones of one skeleton, which was slightly covered with brainy-looking matter.

992. Have you any further information to afford the Court?—I found two pieces of strap, two pieces of bowls of pipe, two buttons, and a sixpence in the grave.

993. How deep had these bodies been buried?—One foot seven inches.

994. Did you observe the character of the soil in which the bodies were buried; if so, describe it?—I should say it was a clayey soil.

995. Did you discover any hair?—Yes; two or three pieces of black woolly hair were attached to the bones of the face and head.

996. Did the hair enable you to judge of the colour of the men who were buried?—I should say they were black men, from the colour of the hair.

997. Were the three skulls perfect?—No; one was perfect.

998. How were the other two?—The left side of the skull of one was broken in, the other skull was in several pieces.

999. *By Prisoner.*] Was it a clayey soil mixed with sand?—I saw no sand in the grave.

1000. Was that depth of one foot seven inche ascertained by actual measurement?—By actual measurement.

1001. Are you aware that dark-coloured men of African descent often have whiskers of the pure negro character?—I am not aware; I cannot say.

1002. Did you discover any hair at all on the heads; are not the two or three pieces of hair which you mention, only on the whisker part of one of the skulls, on one side only?—They are on the whisker side of the head and on the head.

1003. In taking up one of the skulls just now, did pieces of that skull fall off in decay?—The piece of that skull was in the cavity of that skull when found, and I had put it in position for the information of the Court. That was the reason it fell off so easily.

1004. You are not asked as to the skull in which the one piece was found inside, but as to the other of the two skulls broken?—There were only two skulls which could be lifted; one was a perfect skull, the other I saw a piece falling off; the third skull, as I have already stated, was found in several pieces.

1005. Was there hair to any extent whatever on the head, or only two or three hairs?—There were two or three tufts of hair; only two or three tufts.

1006. On only one skull were these tufts of hair?—On all the skulls.

1007. Is it possible, in the state of these bones, to arrive at any clear, decided opinion as to the length of time during which these bones must have been lying in the ground; whether for 12 months or upwards?—I should say not.

It being now 4 p.m., the Court adjourned till 10 a.m., 31st inst.

Sixteenth Day, 31st October 1866.

On Wednesday, the 31st of October 1866, at 10 a.m., the Court re-assembles pursuant to adjournment, present the same Members as yesterday, and proceeds with the Cross-examination of Benjamin Cowan Kerr.

B. C. Kerr, M.D.

31 October 1866.

1008. *By Prisoner.*] Is it a fact or not, in medical experience, that human hair is for years and years durable after death?—It is a fact.

1009. Supposing that these bodies all had an ordinary amount of human hair on their heads at the time of burial, does it not strike you, as a medical man of experience, as an extraordinary fact, that there should be only such few little tufts there now of hair, if those bodies were really buried only a year ago, this very month?—My answer to the previous question did not refer to buried hair; I have no experience of buried hair.

1010. Considering the state of these skeletons, is it possible, with any certainty whatever, to identify them as being the skeletons of any particular individual, merely by the bones?—It is not possible to identify the bodies.

1011. In making your measurement of one foot seven inches, is the Court to understand that you only measured the depth of the hole as you actually found it, from its level at the surface at that time?—The Court is to understand that I took it from the level of the ground, immediately after the removal of the skeletons.

1012. Then, having no information, no allowance could be or was made for any probable natural sinkage or for any probable waste of covering or embanking of the earth for any period whatever?—It was the side, the depth of the grave I measured, so every allowance was made for the sinking of the earth; there was no embanking, properly speaking; in fact, there was none at all.

1013. Then is it a fact that when you saw this hole, the upper layer of the earth in it was below the level of the surface of the adjoining ground all round it?—It was slightly below the level.

1014. *By Prosecutor.*] Are you sure the bodies now in the engine house in this barrack-yard are the same bodies which were taken out of the grave at Duckenfield Estate, near to the Iron Bridge, under your superintendence?—I am quite sure they are the same bodies.

1015. *By Court.*] Were there any marks on any of the bones or skulls, such as might have been made by deadly weapons?—There was a hole in one of the skulls, as if caused by the entrance of a bullet; I found no other marks on any of the other bones.

1016. Was that the skull which was broken up, or one of the other two?—One of the other two.

1017. Might such fractures as appear on two of the skulls, have been made in exhuming them. Would a man's foot, if standing on them, even with a thin layer of mould over them, or the tools used, be sufficient to break them, as they now are broken?—Such fractures might have been made in the exhumation, but every care, every precaution, was taken to prevent such. A man standing on one of the skulls, with a thin layer of mould over it, would probably fracture it as it is.

1018. Explain what precautions were taken in exhuming the bodies to guard against fracturing the bones?—There were only one or two men digging at a time. I instructed them how and where to dig. I took the implement twice in my hand to show them how to use it, and I took the greater number of the bones out myself.

1019. Describe the relative positions in which the three skulls were found?—Two were nearly on a line with each other; the third was higher up, nearer the Post-office. Supposing the position of the first two to be about the upper part of my chest, then the place of the third skull would be about where my head is.

1020. Can you describe where the perfect skull was lying, also where the one was that is now broken in pieces?—The perfect skull was the one nearer to the Post-office. I am not quite positive, but I think the skull broken in pieces was lying nearest to the road.

1021. Could you tell with certainty whether that hole (if caused by a bullet) was made by a spherical or a conical bullet; that is to say, by a spherical bullet, such as is used for "smooth-bore," or by a conical bullet, such as is used in an Enfield rifle?—It resembles a hole such as would be made by a conical bullet; such as is used by an infantry soldier at the present day.

1022. If a bullet had entered by the hole you describe, was there a corresponding hole of exit; if not, should not the bullet have been found in the skull, if the precautions taken in exhuming the bodies were as carefully attended to as you relate?—There was no corresponding hole of exit, unless the destruction of the left side of the skull can be called a hole. In that case no bullet was likely to be found in the skull.

[The Witness withdraws.

The Prosecution is closed.

The prisoner, being placed on his defence, requests that he may be granted till 10 a.m. Friday, 2nd November 1866, for the purpose of preparing for his defence.

This application was granted by the Court, which, accordingly, at 12 o'clock noon, adjourned till 10 a.m., 2nd proximo.

Seventeenth Day, 2nd November 1866.

On Friday the 2nd of November 1866, at 10 a.m., the Court re-assembles pursuant to adjournment:—Present, the same Members as on 31st ult.

The prisoner enters on his defence; hands in a written paper, which he requests may be read by the Deputy Judge Advocate. This paper being read in Court by the Deputy Judge Advocate as requested, is marked H, signed by the President, and attached to the proceedings.

The prisoner then proceeds to call witnesses.

First Witness for Defence.

James Harrison, Planter, Hordley Estate, St. Thomas-in-the-East, being duly Sworn, is questioned by the Prisoner.

J. Harrison.
2 November 1866.

1023. *By Prisoner.*] Were you at or near the Iron Bridge with a detachment of volunteers in October last year; if so, state the day?—On Sunday, 22nd October of that year, I was acting as guide to the volunteers. We arrived at the bridge about 8 a.m. We made a partial halt at the bridge to enable the horses to go over two and two, the bridge being weak; forming up as we got over on the other side. By the time we were all over, it must have taken a quarter of an hour.

1024. About how many volunteers were with you there?—Between 40 and 50, I think.

1025. Where were you coming from, and where were you going to?—Coming from Golden Grove, and going towards Amity Hall Works.

1026. Was this a mounted body?—We were all mounted.

1027. Do you know Thomas Wedderburn, Zachariah Bayley, William Huntingdon, Natty Wilkin, Richard Taylor, David Thomas, Harriett Warren, William Bartley; and did you see any of them at or near the Iron Bridge, or by the Grass-piece, or at all about there that morning, or on the road at all, as you passed?—I know them all, except William Bartley, whom I do not know by that name; they are all employed by me as attorney for the estate; Wedderburn and Harriett Warren are head people on the estate, and they are more or less in daily contact with me; I did not see one of them that day.

1028. Did you meet, or see, or hear any persons to the extent of eight or nine persons with shovels and hoes, in or near the Grass-piece, or on the road that morning?—I never met one person with hoe or shovel; if I had, being in the advance, I should have been sure to have stopped and asked them what they were doing.

1029. Did you see or hear any persons digging by or near the bamboo rail fence in the logwood fence?—No; I may add, that I looked anxiously into that Grass-piece, because I expected to see a colt of mine which had got astray, and which I had been told was there. As the logwood fence was so high, I rode up to it and stood up in my stirrups to get a good view, but I could scarcely see the grass; I did not even see a John crow, which I may mention is the practice to look for in cases of lost animals, as in the event of their being dead or dying, these birds are always to be seen hovering about the place.

1030. When persons in the position of the persons whose names were read to you, are at work in digging, are they usually silent?—They are very noisy; chattering and laughing.

1031. Must you have seen these eight or nine people or heard their voices, had they been there that morning?—I must have heard them, even if I did not see them; everything was very silent that morning, and I would have heard the chopping of the grave.

1032. Did you see any people with digging implements at all?—None whatever.

1033. If any persons had been shot the previous afternoon and left there exposed during the rest of the day and the night till 8 or 9 or 10 o'clock next morning, would you not have expected the common crows of the country to be hovering about the place; did you see any at all that Sunday morning?—We should have seen crowds of them; but, as I have already said, I did not see one; if persons had been shot there at 12 o'clock the previous day and left there, we should have smelt them ourselves, as the sea breeze blows from that direction.

1034. Did you see or hear of any dead bodies that Sunday morning at all as you were passing on this route?—None; I heard of none; nor did I see any.

1035. Do you know that the field called the Grass-piece also has canes growing in it, as well as grass?—The Grass-piece is the outer edge of the Cane-piece.

1036. Can you tell the Court whether or not this Grass-piece logwood fence was higher in October 1865 than it was in September last, or is now?—Considerably higher; it was trimmed in September last. In October 1865 the sprouts or shoots were seven feet higher than the logwood hedge, making the total height about 12 feet.

1037. Have you recently ascertained whether or not a person standing at or in Manning's shop could, in 1865 or even now, see the bamboo rail or any persons tied to the rails?—I cannot speak of 1865, except of course from inference, but the day before yesterday I placed a gentleman, named McFarlane, overseer at Amity Hall, who is about 5 feet 10 inches high, and wore a hat with a broad white band, at the bamboo fence; I then went to each of the three doors of Manning's shop, and stood on the topmost step of each; I could not then see anything of Mr. McFarlane or of the broad band of his hat, even by peeping through the interstices of the logwood fence; the sprouts of the logwood fence are now from two to four feet high, or rather, I should say, the shoots; the sprouts being those which spring from the bottom of the hedge. Under these circumstances, I am of opinion that, in 1865, from the same spot, nothing could have been seen of persons at the bamboo rail.

1038. What is the general nature of the soil about the locality of this hole, out of which bones are said to have been dug, near by the bamboo fence, inside

inside the Grass-piece?—What we generally call "light alluvial," or "brick-mould;" the substrata becoming more and more sandy the deeper down you go.

1039. Is that the same sort of soil at the place where Mr. Hire is buried?—Where Mr. Hire is buried, which is in the garden, the soil is the same, as he had carted this very soil up to form the garden beds; but the natural soil round Mr. Hire's grave is very stiff, and strongly impregnated with iron, and is very red.

1040. Can you tell the relative appearance of any graves you may have seen about this district of persons killed about the same time in October last year; particularly as to the remains or height of any mound or covering on the grave, or appearance of age?—I have seen no other grave but that of Mr. Hire's, which I saw about two months ago, and which then had a mound of about four inches over it. He was buried very shallow, according to the report of the man who buried him; for this I do not know of my own knowledge.

1041. Is there any ditch or trench so near this same hole in the Grass-piece by the fence as to drain into the hole, and so render it more damp than usual?—I never noticed any.

1042. Have you seen the mounds about Morant Bay of bodies killed and buried during martial law. Are they still of a good height?—Yes; I passed two on my way up here; they are still high. I should say between four and five feet.

1043. Were you at Golden Grove, 21st October, last year?—Yes; I arrived there with Captain Adcock's flying column. We marched from Morant Bay, and arrived at Golden Grove a little before 2 p.m.; 2 o'clock struck just after we arrived.

1044. Is the soil about Morant Bay of the same general character as that about Duckenfield?—From casual observation I should say not. I never minutely examined it; but I should say that the soil about Morant Bay is a mixture of clay and gravel.

1045. About what time of the 21st October 1865 did Ensign Cullen arrive at Golden Grove?—Close upon 3 p.m. It must have been a little after 3 o'clock, I think. Some time before our party arrived at Golden Grove, two troopers were sent on at full gallop to call in Ensign Cullen's party from the Iron Bridge, and to meet us at Golden Grove. The names of the two troopers sent on for this purpose are Berry and Brandon.

1046. Did any troops of any kind arrive at Golden Grove on this same Saturday, after Ensign Cullen's detachment; and, if so, from which direction did they come?—A few straggling black troops arrived from the direction of the Iron Bridge. They came in between 5 and 6 p.m., about dusk.

1047. Are you aware whether or not several bodies of troops, soldiers, volunteers, and maroons, were about that quarter, about this same week, of this Saturday and the next following one?—They were about the following week; there were bodies about every day up to the 28th of the month; but I am not aware of any troops being about the week of 21st, except our own force. This is all I know of my own knowledge.

1048. About how many stragglers (soldiers) do you think came in on 21st October 1865, to Golden Grove after the time of Ensign Cullen's arrival?—About 8; they were very obstreperous at not having received their rations. My attention was called to the altercation between them and Quartermaster Drummond, he telling them that they should have come in with the others; and they replying that they had fallen behind because their feet were sore, or something of that kind.

1049. Are you aware whether or not the frequent straggling of the soldiers was a matter of great complaint during martial law?—Yes; Captain Hole requested me to let him know whenever I saw anything of the kind; that he had punished several for it, and that he would do so in all cases where he could get proof of it. I am speaking now of black soldiers. This seemed to have given Captain Hole great anxiety, as he repeated his request more than once to me.

1050. Have you recently measured any distances of different places from each other about this spot (the Post-office, &c.), and the possibility of seeing from one place to another place by a person standing at some particular spot?—I have measured several of the places, such as the distance from the bridge to the bamboo rails; the distance of Manning's shop from the bridge; and the length of Manning's shop. The former, that is from the bridge to the bamboo rails, I find to be about 80 paces; from the shop to the bridge in a straight line about 20 paces; and the length of the shop about 15½ paces. As regards the latter part of the question, I have already stated the impossibility of seeing a man at the bamboo rails from Manning's shop doors, and from the bridge also, from the blacksmith's shop obstructing the view.

1051. You were resident about this same district the whole of last year and this year, going amongst all classes; when first did you hear of any report of the killing of the three persons, the subject of this inquiry?—About the beginning of March last, and then through the newspapers. I was very much surprised at it, because I had constantly seen the persons who said that they had dug the grave, and they had never said a word to me about it. I may mention that the people for miles round are in the habit of coming to me, as a magistrate, and as a person whom they have known for a long time, to consult me about their quarrels, and to ask my advice in their affairs; and, as I have already said, not one of them ever mentioned this subject to me.

1052. Do you know what use was made of this Grass-piece formerly?—I have only known it as a Grass-piece for 11 years.

1053. Are you a justice of the peace, and have you experience as to the credibility of witnesses of the lower orders as to dates, time, distance, or numbers; as a general rule, can they be relied on in these respects with any certainty?—I am a justice of the peace for St. Thomas-in-the-East, and, as a rule, no reliance can be placed on any statement relating to time; that is, to computation of time, or distance, made by the lower classes.

1054. Have you had opportunities during martial law, and while Ensign Cullen was in St. Thomas-in-the-East, of judging of his character; do you believe him to be a humane man or otherwise?—He was about the first regular officer whom I knew as being employed in the suppression of the rebellion, having been in command of the advanced guard sent by General Nelson from Port Morant to Bath, to relieve the ladies and children pent up in that district. This was about the

J. Harrison.
2 November 1866.

the 13th October 1865, he was sent. I became acquainted with him on the morning of the 14th. His kindness and tenderness, displayed by him at that time to all parties, was much commented on; and to his attention and care several of the ladies and children, I am sure, owe their lives. Amongst the many, there, were my wife and four children. I stated before the Royal Commissioners that I never saw two more humane men, in their conduct towards prisoners at Golden Grove, than Captain Adcock and Ensign Cullen; they were always glad of lessening a punishment, if anything could be said in favour of a prisoner. I mention one incident in which Ensign Cullen was individually concerned. A lot of prisoners were over in the Mill House at Golden Grove. Ensign Cullen asked me to accompany him to go and look at them, and hear what was said against them. The charges against them were for plundering, and they were all women and children. He said, "I can't punish these poor creatures; while to let them go without some cause, they may think wrongly of. Will you intercede for them?" I said, "Certainly." He then said, "Mr. Harrison has interceded for you; you may go this time, but if you are brought up again, I do not know what I shall do with you all. You are now dismissed." There were about 20 or 30 prisoners in this batch.

The witness adds, in explanation of the phrase "I do not know what I shall do with you all," that it was intended to frighten the prisoners, and was used as a threat for that purpose.

1055. Do you know George Manning. What is he, and what is his general character?—I know George Manning. He is by profession a shopkeeper and postmaster. Since June 1865, he has been considered by all planters and well-disposed persons whom I have come across as an agitator, and a great sympathizer with the Underhill movement.

The prosecutor here requests that he may be permitted to postpone his cross-examination of this witness till to-morrow, 3rd instant. The prisoner not objecting, the Court sanctions this arrangement.

[The Witness withdraws.

Second Witness for Defence.

ALEXANDER CHISHOLM, Planter, residing at Golden Grove, being duly Sworn, is questioned by the Prisoner.

A. Chisholm.

1056. *By Prisoner.*] Do you know the place called "Grass-piece," at Duckenfield, near the Iron Bridge?—I do.

1057. Did you go there at any time this year, or last year, and about what time?—I pass the place almost every day, but one particular day I went there was the 28th March 1866.

1058. Did you see at any time the hole or place out of which some bones were recently dug?—Yes; I saw a place there which looked as if some persons had been buried there; it looked old, as if it had been there for years.

1059. Describe as nearly as you can the appearance of this hole or grave at this same time; was it sunk, or how. Was grass growing or not on it. Did it look fresh or old?—It was sunk some seven or eight inches. I did not measure it, but it looked that. The grass and bush was growing over it; some 24 inches high. It looked quite old. One had to look minutely to see if there was anything that looked like a grave. This was in March last.

1060. You say it looked; many years do you think?—Yes. I should say it was many years. If it had been fresh it would have had another look altogether; the bush would not have been so high.

1061. Can you tell the Court if there are any signs of graves, such as mounds in this Grass-piece, or any about the hole, out of which some bones were lately dug?—There are several mounds. During cholera in 1850, bodies were buried all about.

1062. If labourers, eight or nine in number, with hoes or shovels, were digging a grave there on a Sunday morning, would persons passing by or about the Iron Bridge have been likely to hear the voices of the people, or what the people were doing?—Yes; they must have heard the voices; and if passing by might have seen them, but not from the Iron Bridge; though there they might have heard the voices. If persons had been going down the Holland Bay road, they would have seen them.

1063. Were those mounds about this hole or grave, old or fresh looking?—They all looked old. There was grass growing on them.

1064. If any persons were killed and exposed to the atmosphere about noon, on a Saturday, tied to the bamboo fence all that afternoon; all Saturday night till Sunday about 8, 9, or 10 o'clock, would the bodies be expected in that climate of St. Thomas-in-the-East, to stink, and attract crows and passers-by?—Yes, it would be expected; any dead carcass of man and beast would not stand long, but would attract the vultures.

1065. Do you know George Manning; what is he? what is his general character in St. Thomas-in-the-East?—I know George Manning; he is one of those local preachers calling meetings, making speeches there, and agitating the people. He is also shopkeeper and postmaster.

1066. When persons of the labouring class are employed at work, but more especially at digging, are they usually silent?—No, not at all times.

1067. Has Manning any place near Golden Grove House; about a mile from it?—Yes; he keeps a chapel there, and holds meetings.

1068. How far is that hole or grave from Manning's chapel, near Golden Grove?—From the Grove to the chapel is about two miles.

1069. If a person was standing in the Grass-piece opposite Manning's shop, where the canes are growing, could he easily see the bamboo fence in the logwood fence, and anything upon it; and all inside and outside the bamboo fence in front of it, or the back of it?—I cannot answer that question. I know from the outside, but not from the inside of the Grass-piece.

1070. Have you ascertained whether or not, persons standing at or in the shop could see the bamboo rails of the fence, or men tied to the bamboo rails of the fence, in the logwood fence round

round the grass or cane piece opposite Manning's shop?—I have examined it over and over again. I have done so this week, and you cannot see the bamboo rails, nor men tied to them.

1071. Was all inside the grass piece, low grass or low canes; or partly grass and partly canes?—One side is grass, and then you come to the canes; this was so last year, and is so now.

1072. Was the logwood fence higher or lower last year than it was in September this year, or is now?—It was higher in October last year; it is lower now, as it has been recently cut.

1073. Could persons standing at or in the shop, see soldiers standing firing right opposite the bamboo fence, right across on the other side of the road, considering how the logwood fence was last year?—On account of the height of the logwood and the angle of the road, it was impossible.

1074. Do you know whether or not during the week of this Saturday spoken of, the 21st of October 1865, or during the following week, there were bodies of troops, soldiers, volunteers, and Maroons about this same post-office district?—I was a volunteer myself at the time, and know that on the Saturday mentioned there were soldiers, black soldiers, and volunteers about; and that they were about all the following week. There were Maroons close by, but I did not see them.

1075. Being a volunteer, did you or not hear of complaints of frequent straggling of soldiers, and the difficulty of keeping them in order?—I did.

1076. Do you know Captain Mendes, a Maroon; was he coming backwards to Golden Grove about this same time?—I know him perfectly well, and he was always passing backwards and forwards through Golden Grove; but I am not sure of the date on which he first came; but I know it was before Captain Adcock left, because he gave him some rations.

1077. Do you know Anderson, Donaldson, Manning, Cyphus Wills, Colson, Phillips, and the other witnesses from St. Thomas-in-the-East, examined for the prosecution? are they persons who would have opportunities of seeing Ensign Cullen while he was about Golden Grove during martial law?—Except Colson, I know all those named. They would have opportunities of seeing Ensign Cullen at that time; they would have every opportunity if they came in the way. *A. Chisholm.* 2 November 1866.

1078. Did you see Mr. Berry and Mr. Brandon (volunteers) at Golden Grove on the 21st October 1865, when Captain Adcock was there?—Yes.

1079. Were they (Mr. Berry and Mr. Brandon) ordered any where by Captain Adcock on that Saturday, 21st October 1865; and if so, about what hour of the day did they go?—They went to the Iron Bridge on that Saturday; I am sure it was between 3 and 4 p.m., but I cannot speak to minutes.

1080. After they went on the order, did Ensign Cullen and the detachment come back with them?—They all came back about the same time, but I was busy myself at that time, and did not notice particularly; but I think they all came in together.

1081. Was Ensign Cullen at Golden Grove at your house in October last year? When did he first come, and when, at the last, did he leave Golden Grove? State the hour at which you believe he came?—He came there on the 21st October last year, but I cannot state exactly the time, further than that it was between 3 and 5 o'clock p.m.; I think he was there about 10 days, but not having taken the dates, I cannot be exact.

1082. Have you had opportunities of forming an opinion on the character and conduct of Ensign Cullen during martial law, and while he was in St. Thomas-in-the-East; is he a humane man, or otherwise?—I had opportunities of forming an opinion as to his character; he is a gentlemanly and humane man.

It being now 4 p.m., the Court adjourns till 9 a.m., 3rd instant.

Eighteenth Day, 3 November 1866.

On Saturday, the 3rd of November 1866, at 9 a.m., the Court re-assembles, pursuant to Adjournment. Present, the same Members as yesterday, and proceeds with the Cross-examination of Alexander Chisholm.

1083. *By Prosecutor.*] How long have you lived at Golden Grove?—Nearly seven years. *A. Chisholm.* 3 November 1866.

1084. What kind of grass is that in the grass-piece of Duckenfield, opposite Manning's shop?—Guinea grass.

1085. Is the grass usually fed down, or how otherwise is it disposed of?—At one season of the year it is fed down at times; it is generally fed down with horses, and then allowed to grow again; it may be cut, but I have never seen it cut.

1086. How many crops of guinea grass per annum does a guinea grass-piece in your parish give?—According to the soil; some two, and some one.

1087. In what parts does the grass grow the rankest; in level ground, or in hollows or dips of the land?—Generally in the dips of the land, where the soil is most fertile.

1088. In 1850, where were you living?—In the Rhine Estate, close to Bath.

1089. How far is the Rhine from the Duckenfield Suspension-bridge?—There are no mile-stones; but it is about six miles, as near as I can judge.

1090. How many bodies (besides the three the subject of this inquiry) have you ever seen buried, or exhumed, in the grass of Duckenfield, you have been speaking of?—In that grass-piece particularly I have never seen any; but in that year, 1850, during the cholera, I know that bodies were buried in every field by the road side, from Holland Bay to Bath.

1091. On 22nd October 1865, were you on service with the volunteers, and where?—Yes, at Golden Grove.

1092. Were you all the day at Golden Grove; if not, say where you were?—I was half the way with the volunteers that day when they went out; I went as far as the Iron Bridge with them, and then turned back to Golden Grove.

1093. Are you speaking of Saturday or Sunday,

A. Chisholm. day, and of what hour; when did the volunteers leave Golden Grove?—I am speaking of Sunday, but I cannot give the hour; the volunteers left Golden Grove after breakfast, but I do not remember the hour.

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1094. What time did you have breakfast?—I cannot tell that morning what hour it was.

1095. Was there service that day at Golden Grove Church that morning, and at what hour does the morning service begin?—The morning service usually begins at 11 o'clock, but there was none that day.

1096. What is the distance from Holland Bay to Bath?—About 10 miles, I should call it; there being, as I said before, no mile stones about there.

1097. How do you know there was no service on 22nd October at Golden Grove; where were you at 11 a.m.?—I was about the estate all day; when I went to the Iron Bridge, I was not off the estate, as the line of the estate runs close to the bridge; there was no clergyman there that day; you can hear the church bell at the Iron Bridge, and further still.

1098. Who was in command of the volunteers you accompanied to the bridge on Sunday, 22nd October?—Captain Adcock; Captain Ford and several others were there, but they were all under Captain Adcock.

1099. Who was the officiating minister at Golden Grove Church in October 1865?—The Rev. Mr. Sloane.

1100. *By Prisoner.*] You say Captain Adcock was in command of the whole; were there then several different bodies with their several captains?—Captain Adcock was in command of a few white soldiers, and of the whole party; Captain Astwood was there with some of his troop, but I do not know how many; and Captain Ford also had some of his men there, but I do not know their numbers. Captains Astwood and Ford were mounted volunteer officers.

1101. You say you rode as far as the Duckenfield Bridge with the volunteers on 22nd, and that you turned back; would you have turned back if you had seen or heard there of three dead bodies, or had heard or seen any persons with hoes or shovels digging, or going to dig, a grave by the bamboo rail fence?—No; I would have gone to see it, if such a thing was to be seen.

1102. *By Court.*] What attracted your attention to the grave or hole in the grass-piece at Duckenfield on 28th March 1866?—I had been in Kingston, and had heard of the matter there; and was asked to go and see what there was there in the grass-piece; I was shown the actual place by a man named Bryan, a book-keeper on the Duckenfield Estate.

1103. What do you mean by "bush" on the grave; is it grass?—I think it is broomweed, they call it; it was growing with the grass, to the height of from 18 to 24 inches.

1104. You said that in consequence of the height of the logwood fence, and the angle of the road, a person at the post-office could not possibly see soldiers drawn up to fire opposite the bamboo rails on the other side of the road; how do you know this; did you place any one on the spot opposite the bamboo rails, and yourself stand at the post-office, for the purpose of ascertaining, or is it merely an opinion on your part?—You cannot see within a chain the spot where the soldiers were said to be, opposite the bamboo rails; I did not place any one on the spot to ascertain this, but I measured the distance from the shop, till I came to the place where I could see the spot.

1105. You have said that on Sunday morning, 22nd October, you went with the volunteers as far as the Iron Bridge, and then turned back; do you mean that you passed Manning's shop, and went right up on to the suspension-bridge, or did you turn before you reached Manning's shop?—I passed Manning's shop, and went up to the abutment of the bridge, but did not go over.

1106. You said you know that bodies were buried in every field by the road-side from Holland Bay to Bath in 1850; did you yourself see any of these burials; could you now identify any of these graves?—I have seen several of these burials, but I could not now identify the graves, owing to the lapse of time, to cultivation, and other such causes.

[The Witness withdraws.

First Witness for Defence recalled.

JAMES HARRISON is recalled, and Cross-examined on his former oath.

J. Harrison.

1107. *By Prosecutor.*] AFTER you left the Iron Bridge on Sunday morning, 22nd October 1865, where did you go?—To Amity Hall Estate Works and negro houses.

1108. Did you remain there the rest of the day; and if not, when did you leave, and where did you go?—We went from the negro houses to the "Top" or "Buckra" House on the hill; from there through part of Hordley negro houses, and thence on to Wheelerfield Estate; thence through Suffolk Park Pen on to Batchelor's Hall Pen; crossed the river and went through Plantain Garden River Estate; thence on to Winchester Estate; thence to Golden Grove, our head quarters. I did not notice the hour we left Amity Hall, but I should say between 9 and 10 a.m.

1109. How far is Amity Hall "Top" House from the Iron Bridge, and how far from the negro houses?—I should think it was three quarters of a mile from the Iron Bridge to the "Top" House, and about one-third of a mile from the "Top" House to the nearest negro house, but these negro houses are very scattered.

1110. Where did you cross the river on your return; how many miles above or below the Iron Bridge?—We crossed it at the Plantain Garden River or Batchelor's Hall fording; it is called by both names. I should say it was about four miles westward, or above the Iron Bridge.

1111. At what time did you arrive at Golden Grove on your return; if on the same day, mention the hour?—It was, I think, a little after 4 p.m. that day when we returned to Golden Grove.

1112. Was there service at Golden Grove Church on 22nd October?—There could not have been any service that day, as the clergyman, Mr. Sloane, was in Kingston. The rector, Cooke, was a refugee in Kingston also, and Mr.

Mr. Herschel, the minister at Bath, was murdered. Those were the only three ministers in the parish.

1113. You stated in your examination that the work-people were very noisy, chattering or laughing usually; did you observe any change in their demeanour during martial law?—If I am to understand that the question refers to them when at work, I reply that when at their work, during martial law, they were more cheerful and noisy than usual; and they continued so till the Royal Commission came out, after which they were sulky and impertinent.

1114. I allude to the first and second weeks of martial law particularly; please say as to what you observed of their demeanour at that time?—There was nobody at work those two weeks, that I saw.

1115. You state that the logwood fence was trimmed in September last; is that the usual month for trimming, and if not, what is the usual month?—The trimming of the logwood fences depends very much on circumstances, according to whether we can spare labour, and according to the weather.

The Witness requests permission to amend his reply to Question 1112, and adds that there was a fourth clergyman at Manchioneal, the Rev. Evan Jones, but that at that time he also was a refugee in Kingston.

1116. *By Court.*] You said that a few straggling black troops, about eight in number, came in from the direction of the Iron Bridge to Golden Grove about 5 p.m. on 21st October last year; to what detachment or party of troops did they belong?—Judging from their uniform, and the way in which they were received by the other black troops at Golden Grove, I should say they belonged to the company which accompanied Ensign Cullen; I saw nothing to make me think otherwise. *J. Harrison.* 3 November 1866.

1117. Do you know the bamboo fence to which it is alleged the three dead bodies were tied; and if so, had there been dead bodies tied to that fence on 22nd October 1865, at the time you were at the Iron Bridge on that day, could you have seen them from any spot you were in?—I know the bamboo fence; from the height of the logwood fence I am not aware that I could have seen them from any spot I was on that morning.

1118. Is the spot (*showing Witness the plan*) marked E, where you stood up in your stirrups to look over the logwood hedge, included in the limits of this plan; if so, point it out?

The Witness shows the place, which was close up to the logwood fence, and about opposite Manning's shop, and adds that there is a large cotton-tree there, under which he thought his missing colt might be.

[The Witness withdraws.

Third Witness for Defence.

CHARLES HENRY MCDERMOTT, Planter in the Parish of St. Thomas-in-the-East, on the Wheelerfield Estate, being duly sworn, is questioned by the Prisoner.

1119. *By Prisoner.*] Do you know the grass-piece by the side of the road near the Iron Bridge on Duckenfield?—Yes. *C. H. McDermott.*

1120. In your capacity as a planter and as a book-keeper at Duckenfield, have you for the last year or so been obliged to go into this grass-piece?—Yes.

1121. Would you, as such, have opportunities of seeing any fresh graves which might have been made in that grass-piece during the last 12 months?—Yes, I had several opportunities.

1122. Had you a gang at work there shortly after martial law, and afterwards; did you go to the gang, and line out the work?—I had two men, two scythe men; cutting grass there. I went to the men and lined out the work. This was shortly after martial law.

1123. Do you know the bamboo rail fence there; is it a common draw rail for horses, cattle, and carts?—Yes; it divides the grass-piece into two, and is a common draw rail.

1124. Is that bamboo rail fence of which you speak by the road, towards Holland Bay, but near the Iron Bridge?—Yes, it is near the Iron Bridge.

1125. Is the grass-piece you speak of that in front of Manning's shop, across the road?—Yes, in front of the shop.

1126. Is this division fence made of bamboo rails right across?—Yes, right across the grass-piece, and abuts on the embankment.

1127. Do you know where the bamboo fence is which leads from the Holland Bay road into that grass-piece?—Yes; it is a bamboo rail about 12 feet wide; a draw rail to admit a wain or cattle into the grass-piece.

1128. Is that bamboo draw rail fence then, a common entrance, often used?—Yes, it is often used.

1129. Can you tell the Court whereabouts in the grass-piece the gang was working?—They commenced scything at the gate, which I have just been speaking of, and cut down all the grass in the piece.

1130. Would cattle, carts, and wains have to pass over within five or six yards from that rail fence on the grass-piece on entering, and going straight on?—I dare say about that distance, as cattle never draw very straight, but zig-zag about.

1131. Do you know where the place is, inside this grass-piece, out of which some bones were dug up, at the instance of Colonel Daniell, near this same bamboo rail draw fence, and in which three persons killed are said to have been buried in October 1865?—Yes, I know the place; but I never saw any grave there, though I have been through and through the place.

1132. If there had been any fresh grave there then, while your gang was working last year, must you certainly have seen it?—I should think I would have seen it, because the grass was cut down.

1133. Were you in St. Thomas-in-the-East the 21st or 22nd October 1865; did you give any witness for the prosecution from St. Thomas-in-the-East (Phillips, for instance), or any other, any information about the 21st and 22nd being

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the days on which three men were killed and buried in the grass-piece?—I was at Albion Estate; that is where I escaped to, and where I was on the 21st and 22nd October, and I did not return to St. Thomas-in-the-East till 28th of that month; I never gave Phillips or any other person any information about three men being killed and buried; I never even saw a prisoner taken up in St. Thomas-in-the-East.

1134. *By Prosecutor.*] What name do you give the grass-piece opposite the shop to distinguish it from that along the Holland Bay-road?—They are called the grass-pieces; they have no separate names. It is all one grass-piece, and there is a cotton-tree growing in it.

1135. Which grass-piece did you refer to as being cut down by the scythe men?—That grass-piece in which the cotton-tree grows.

1136. What is your position at Wheelerfield; are you owner, lessee, book-keeper, or how otherwise?—I am book-keeper at present at Wheelerfield.

1137. Do you mean that you cut down the whole, on both sides of the bamboo division fence?—Yes, on both sides.

1138. Can you undertake to state positively that the scything you speak of did take place after the 22nd October 1865?—Yes.

1139. What is the acreage of the whole grass-piece, including both divisions?—I cannot say.

1140. Did you see the exhumation of the three bodies on 26th September last, in Duckenfield grass-piece?—No, I saw no bodies dug up; I was not on the spot.

1141. Did you ascertain afterwards the precise place from which the bodies had been dug up; and if you did, how, or from whom?—I did not ascertain the precise place; I only heard two parties speaking of it.

1142. You have stated that you lined out the work of cutting the grass of the entire grass-piece; state in what manner you did this, and on what principle you paid the men, whether by the day or the job, or otherwise?—I used a bamboo rod, 11 feet long, and I gave them 16 of that rod's length, by four in width, for a day's task, and they were paid for by taskwork; they are all paid in that way.

1143. You have stated that you went over this piece as book-keeper, and gave it out to be cut down; state, to the best of your computation and belief, the number of acres?—I cannot say the number of acres; I have never measured it.

1144. How long have you been in the planting line, and when did you become book-keeper at Wheelerfield?—I have been in the planting line 10 years; I became book-keeper at Wheelerfield 20th March 1866. I was book-keeper at Duckenfield from January 1858 till 18th March 1866, and during that time I went to Golden Grove under Mr. Chisholm; but I returned again to Duckenfield, I think it was in February 1865, and there remained till March of this year.

1145. Do you recollect whether or not Phillips, after your return to St. Thomas'-in-the-East, ever asked you to tell him any date, without reference to the alleged shooting of the three men, or to the day on which it took place; if he had, would it have been so extraordinary a circumstance that you must have recollected it?—He did not, as far as I can recollect; I would have recollected it, if he had asked me.

1146. *By Prisoner.*] Who are the persons to whom you referred as having spoken about and described to you this spot, out of which the bones were said to have been dug at the instance of Colonel Daniell in September last?—They were two coloured men at Golden Grove; two of the labouring class.

1147. Has Colonel Daniell had any other grave dug up in this same field to your knowledge, than the one spoken of by all parties?—I cannot say.

1148. *By Court.*] When had you the two scythe men cutting grass in Duckenfield grass-piece; in what month, and on what date?—I think it was between November and December.

1149. On what date last year was the logwood fence at Duckenfield grass-piece, from opposite the Post Office to the bamboo draw rail on the Holland Bay-road, trimmed or cut?—It is hard for me to state; I know that when the fence becomes a little shabby, it is cut down close, and allowed to grow up again. I can neither state the date nor the month last year when it was cut.

1150. How soon in that district, Duckenfield, does grass grow upon newly turned up land; or bush, or weeds?—That depends entirely upon the seasons. We generally plant it by the sucker, not by the seed. Weeds will grow in a week; they grow faster than anything else; that is during the rainy season.

1151. On what date did you go to Albion Estate in the month of October 1865?—I was away in the bushes from Thursday the 11th October till the following Saturday, and I went to Albion on Sunday the 14th, and I remained there till 28th.

1152. As a book-keeper on Duckenfield, do you personally know all the labourers on the estate?—Yes, I know all, except those who come from a distance; I know nearly every labourer in the Plantain Garden River District.

1153. Were Richard Walton, Tommy Miles, and John M'Call at any time employed on Duckenfield Estate, and did you know them, or either of them?—Yes, I knew the three of them; they get work at Duckenfield when they ask for it; the labourers do not work continuously on one estate, they try them all.

1154. Did you miss them during or after martial law; and if so, when first did you miss them?—I never missed any of them; I do not miss these people; there are always plenty of people to work on an estate.

1155. Have you seen these three men since martial law?—No.

[The Witness withdraws.

At 2·15 p.m. the Court adjourns till 10 a.m. on Monday, 5th instant.

Nineteenth Day, 5th November 1866.

On Monday, the 5th November 1866, at 10 a.m., the Court re-assembles, pursuant to Adjournment: Present, the same Members as on Saturday 3rd instant, and proceeds with the Examination in chief of—

Fourth Witness for Defence:

John Sinclair, Manager of Duckenfield Estate, and a Justice of the Peace, in the Parish of St. Thomas-in-the-East, who, being duly sworn, is questioned by the Prisoner.

1156. *By Prisoner.*] Do you know the grass piece near the post-office, with canes growing in it, just opposite the post-office?—I do.

1157. Do you know whether the bamboo draw rail in this grass piece is a common entrance for carts, wains, cattle and horses?—It is; it is the only entrance to that side of the grass piece.

1158. Being overseer of the estate, had you occasion and opportunity to ride into this field, and through this bamboo draw rail?—Of course I had, on several occasions.

1159. Did you do so in November last, 1865?—I did so; in the first week in November, between the first and sixth of the month, though the actual date I cannot swear to.

1160. In doing so, must you necessarily ride over or very near to a spot where there is now a hole or grave, out of which, by your leave, Colonel Daniell and Mr. Jackson had some bones dug in September last 1866?—Of course; I passed very close to that spot, where a grave has since been dug, though there was none there then; you could not avoid seeing its position. When I say there was none there then, I mean there was nothing at that period that I could recognise as a grave; there was a slight sinking in the earth, covered over with grass and broomweed; and this I took for an undulation of the earth, a place where the water would settle.

1161. If there had been any such signs, must you necessarily have seen them in November, when you rode by that spot and through the bamboo draw rail?—I could not possibly have avoided seeing the grave had it been there.

1162. Do you know Mr. Charles M'Dermott; if so, was he in your employment in November and December 1865, and was he employed as book-keeper in doing anything in this grass piece about this same place?—I know Mr. M'Dermott, and he was book-keeper under me in November and December 1865; he had to look after people who were employed scything down the grass in that piece.

1163. In which month of last year is it your belief that Charles M'Dermott was so employed in looking after people scything down that place?—The end of November or beginning of December 1865; this I give from memory.

1164. Do you know if that place called the "grass piece" was accustomed to be fed down by the estate's pasturage stock, as well as to be cut down?—Yes; they were fed down by the overseer's stock; the field is usually allowed for this purpose.

1165. Was it before or after you had in the first week in November 1865 ridden into that grass piece and come through the bamboo draw rail that M'Dermott was looking after the grass?—After the first week in November.

1166. Have you since been with Mr. Chisholm of Golden Grove, to the same spot, during this year 1866?—I have; as far as I can remember, about the end of March or beginning of April last.

1167. What appearance did this hole present in March last; was the place then fresh or old looking?—Very similar in appearance to what it was when I saw it in November 1865.

1168. As an overseer of a very large estate, and a justice of the peace, have you had opportunities of forming an opinion as to the credibility of the lower order, as witnesses, in respect of time, date, distance and numbers; as a general rule, is their testimony in such matters to be relied on?—They have such an imperfect idea of time, dates and distances that I do not consider their testimony can be relied on. I have found this the case as a justice of the peace; they are very inaccurate.

1169. If a number of persons, say eight or nine, with shovels or hoes or other implements, had been working about 8, 9, or 10 a.m., at a grave at this spot, by the bamboo rail, would there be any difficulty in persons, passing by the road near the bridge, hearing what was going on, near that bamboo rail?—I would say not; they generally make a noise when at work.

1170. If three bodies killed on a Saturday, about noon, were tied to an open fence and exposed to the air all the same afternoon, all the Saturday night, until about 8, 9, or 10 a.m. next day, would you, from the climate of St. Thomas'-in-the-East, be led to expect that the bodies would stink, and attract crows and passers by on the road about this bridge?—The bodies would certainly attract crows; it would depend materially on which way the wind was blowing at the time, whether it would attract passers by at the bridge. The bodies would stink; you would not perceive it unless you went close to the place; but this depends on whether the wind was blowing directly over the bodies to where you stood.

1171. Suppose the breeze was blowing from Holland Bay way towards the bridge or road where persons were passing?—Our prevailing wind there is an easterly one, and comes from Holland Bay way; and if it had been blowing at the time, persons at the bridge passing by would have smelt them.

1172. Is this drawing, the original plan in evidence, correct in describing the course of the logwood fence and its curve by the road as it is delineated; ought it or not to have been drawn with a greater curve?—My impression is, that it is not correct in the following particulars: First, I think that the road makes a greater curve towards the river, commencing at a point nearly opposite the abutment of the Iron Bridge, and ending just before you come to the bamboo draw rail. (*The Witness marks with a pencil what he thinks is about the curve of the road.*) Secondly, I think the spot marked "Grave" is misplaced; instead of its being directly opposite the bamboo draw rail,

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rail, it is rather to the left of that, on entering the field.

1173. Can a person standing at or in the shop see the bamboo draw rail; or see soldiers firing from the bamboos right opposite across the road, at that part directly opposite the bamboo rail?—A person cannot see the bamboo draw rail, standing at or in the shop at present, although the logwood fence is considerably lower than it was at the period at which it is represented these men were shot. I do not think a person could see the spot directly opposite the bamboo rail, directly across the road. I think the curve in the road and fence must be too great. I should say that standing at or in the shop, a person could not see soldiers firing, who were standing across the road opposite the bamboo draw rail.

1174. Is there anything between the cotton tree in the grass piece and the bamboo draw rail fence in the grass to hide the view, from the one to the other by a person standing near about the cotton tree inside the grass piece?—There is nothing except the bamboo fence which runs right across the grass piece. I cannot say whether that would intercept the view between the cotton tree and the bamboo draw rail, as I never observed it.

1175. About what distance is that cotton tree from the logwood fence, near by the bamboo draw rail?—I should say about 120 yards, that is, from the cotton tree to the bamboo draw rail where the grave is, but I never measured it.

1176. Were you a volunteer, and if so, what rank did you hold during martial law in St. Thomas'-in-the-East?—I was a volunteer, and held the rank, at that time, of quartermaster.

1177. As such, do you know if there were constant complaints of soldiers straggling, and of the difficulty of controlling them?—There were constant complaints; this refers to the black soldiers and to the Maroons, but more particularly to the black soldiers.

1178. Do you know if any Maroons were about Golden Grove under their Captain Mendes?—I do. There were Maroons in that district under Captain Mendes.

1179. Do you know George Manning; what is he; what is his character?—I do know Mr. Manning. He is a storekeeper, but I can say very little of his character.

1180. What do you mean when you say, you know or can say very little of his character?—I mean that I have not had sufficient dealings with him.

1181. Have you had opportunities of forming an opinion of the character and conduct of Ensign Cullen, during martial law, and while he was in St. Thomas-in-the-East; is he a humane man or otherwise?—I had a great many opportunities of forming an opinion as to his character. He is an excessively humane man, particularly to the prisoners, to those upon whom he had to inflict punishment.

1182. *By Prosecutor.*] Did you, when you rode into this grass piece during the first week in November last, dismount from your horse?—I dismounted in coming out to fasten the draw rail.

1183. Had you any object in making particular observation of any one spot more than another in that grass piece?—I had no object, but I could not have passed a newly-dug grave without seeing it.

1184. Did you measure the ground in any way or use any instrument of any description, to aid you in coming to the opinion which you have expressed as to the place which was exhibited to you in your examination in chief?—I measured it so far, that I paced the distance from Manning's shop to the bamboo draw rail, but I used no instrument.

1185. When informed that the plan now before the Court was prepared by an engineer, and that it has been drawn to a scale, will you *still* maintain your opinion against his measurements?—I would, otherwise I should not have expressed it.

1186. *By Court.*] When did you leave Duckenfield during martial law and when did you return?—I left on 12th October 1865, with my family, for Port Antonio, where I took refuge. I believe that was the date, as it was the day following the outbreak in Morant Bay. I returned to Golden Grove on 21st October, about 2 p. m., and to Duckenfield on 30th October, I think. On the 21st October I came from Morant Bay with the soldiers and volunteers under Captain Adcock, to Golden Grove, and Golden Grove was my head quarters between the 21st and 30th October.

1187. On what date last year was the logwood fence to the grass piece, from opposite the post-office to the bamboo draw rail, on the Holland Bay Road, trimmed or cut?—The end of November or beginning of December, shortly after martial law. I cannot be exact without reference to my books.

1188. Was the whole of the grass cut in the grass piece adjoining the Holland Bay-road, in the months of November or December last; including that part of the grass piece eastward of the bamboo fence which divides the field?—I think it was, both parts were cut, I believe. I am certain the westward part was. We generally cut them all down together.

1189. You say that you think a person standing at the shop could not see soldiers firing who were standing across the road opposite the bamboo draw rail; did you place a person opposite the bamboo draw rail and yourself stand at the shop to ascertain the fact, or is it merely an opinion on your part?—I placed no person there to try, as I was so convinced that you could not see soldiers firing where they are said to have stood. I myself stood at the shop to look. I know the lines perfectly well.

1190. Do you remember seeing the entrance to the grass piece shortly before the outbreak, and then observing any sinking of the ground?—I do remember, as I went there frequently; the ground was in the same state after the outbreak as it was prior to that occurrence. There was no difference, there was the same sink, and there are a good many more of the same sort in the field.

1191. Did you, when in company with Mr. Chisholm in March, observe any mounds like graves in the grass piece?—Yes. I saw several small mounds, besides the one pointed out to me which has since been opened.

1192. Have you ever had any of those mounds dug up?—I have not.

1193. You spoke of this spot, from which three bodies have been removed, in one of your answers, as a "sinking" of the ground, and, in another, you called it a "mound;" explain which you mean?—There is both a sink and a mound at the present time, and in March last, there was the same; I believe the bodies were taken from the "sink," as that is the part that was dug up; the mound still remains.

[The Witness withdraws.

Fifth Witness for Defence.

ROMEO WILLIAM DRYSDALE, Police Serjeant for St. Thomas-in-the-East, being duly sworn, is questioned by the Prisoner.

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1194. *By Prisoner.*] As a serjeant of police in St. Thomas-in-the-East, were you sent with any despatch from General Nelson at Morant Bay to Captain Hole at Manchioneal in October 1865?—I was.

1195. On what day in October 1865 were you sent, and on what day did you go with this despatch?—I was sent on Friday, the 20th October 1865, and I went on that day.

1196. Did you see Ensign Cullen and Dr. Morris at the post-office while you were upon that journey on your return from Captain Hole?—I did; on the morning of October 21st, at the post-office at the Iron Bridge.

1197. Where were Ensign Cullen and Dr. Morris when you saw them, that Saturday, 21st October 1865?—At the post-office; inside Mr. Manning's private quarters.

1198. Did you see Manning at the shop or post-office on this same Saturday when you saw Ensign Cullen and Dr. Morris at the shop or post office?—He (Manning) was in the shop.

1199. Did you, while you were at or about the post-office that Saturday, see any prisoners shot, or about to be shot, by the soldiers?—None were brought in there during the time I was there, nor up to the time I left.

1200. If any persons were being shot, or about to be shot by soldiers, at, or about, or near the post-office, or logwood fence, or Iron Bridge while you were there on that Saturday, must you have seen them?—I would, for I was about three-quarters of an hour there; I was there until they got tea for me.

1201. Did you hear any firing, as of soldiers shooting at or killing men, near or about the bridge or the logwood fence on that Saturday?—None whatever.

1202. Did you see any prisoners tied or being untied that day at or about there?—None whatever, during the time I was there, up to the time I left.

1203. When you left the post-office on that Saturday, on what road, and in what direction did you go?—I went in the direction of Golden Grove, and then on to Morant Bay.

1204. Did you meet, on your way, any prisoners in charge of any book-keeper or constables, or any one, that same Saturday; as a serjeant of police, would you not have spoken to them, and made inquiries, if you had seen them?—I met nobody; but if I had met prisoners I would have inquired.

1205. From the time you arrived at the post-office till the time you left it, did you see Ensign Cullen with any soldiers in charge of any persons, brought in that day as prisoners, or hear any orders or directions of any kind to flog or to shoot them?—None whatever.

1206. In going from the post-office to Morant Bay, do you pass by the road of Golden Grove, which is near the Golden Grove Chapel?—I had to pass right through Golden Grove, near the chapel, or church, as it is called.

1207. Is that near the works of the estate?—Yes, quite near the works of the estate.

1208. While you were at the post-office that Saturday, was any complaint ever made, or any information given to you that day about the shooting or killing of any persons or prisoners at all, that day?—None.

1209. Do you know Richard Walton, Tommy Miles *alias* Tom Bell, and John M'Call *alias* George M'Quarry M'Call; if so, did you see any of them brought in as prisoners whilst you were at the post-office that same Saturday?—I do not know any of those men; no prisoners were brought in while I was there.

1210. At what time on this same Saturday, 21st October 1865, did you reach the post-office; how long did you remain about there, and about what time did you leave?—I arrived there about 9 a.m.; I stopped there till I got tea; I left between 9 and 10 a.m. for Morant Bay the same morning.

1211. *By Prosecutor.*] Did you accompany the detachment of soldiers from Manchioneal to the Iron Bridge on Saturday 21st October 1865?—They left before me; as I was waiting for a letter for General Nelson I overtook them at Juan Hill; the soldiers, who were walking, I overtook; those who were riding had gone on before; the few who were walking were knocked up, and those were the ones I overtook.

1212. Did you leave Ensign Cullen and Dr. Morris, and the detachment of soldiers, at Mr. Manning's shop, or about the place, on 21st October 1865?—I found them there and I left them there.

1213. *By Court.*] How far is Juan Hill, where you overtook the soldiers walking, from the Iron Bridge?—I overtook them at the saddle of Juan Hill, running down to Amity Hall, and I should say it was about one mile and a quarter from the Iron Bridge.

1214. You said you overtook a few soldiers walking; how many were there?—I think about four or five, not more. I do not know any of them. They were all black soldiers.

1215. Did you observe where Ensign Cullen and Dr. Morris were when you left the post-office, and what they were doing?—They were inside Mr. Manning's private quarters when I left. I did not observe what they were doing.

[The Witness withdraws.

Sixth Witness for Defence.

ALFRED GEORGE BERRY, Civil Engineer, practising in this Island and in Hayti, being duly sworn, is questioned by the Prisoner.

A. G. Berry.

1216. *By Prisoner.*] DID you leave the Island, and have you only very recently returned from Hayti?—Yes; I returned on 15th of last month, having left the Island in February last.

1217. Were you a volunteer during martial law; if so, were you at Golden Grove in October 1865?—Yes; I was one of the Kingston volunteer troop of cavalry, under Captain Astwood.

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wood. I was at Golden Grove in October, 1865.

1218. Did you receive any orders from Captain Adcock or Captain Astwood at Golden Grove, and did you obey the orders?—Yes; I received orders from Captain Astwood. I obeyed the orders.

1219. What time and day did you leave Golden Grove quarters to obey the order?—I left on Saturday, 21st October 1865, at 1 p.m., or about that time.

1220. Where did you go, and who went with you?—I went on to the post-office at Golden Grove, near the Suspension Bridge. Mortimer Brandon went with me. We were the advanced guard.

1221. Is Mr. Mortimer Brandon now in this Island?—No, he is not.

1222. Did you or not keep a look-out on either side of the road, and do so by command?—I did so on Sunday, 22nd, but I do not remember doing so on Saturday, as we went on very quick.

1223. Did you go up to the post-office or shop at once?—Yes, I did so.

1224. To whom were the orders to be delivered at the post-office?—To Ensign Cullen.

1225. Did you see Manning and others at the same time in the shop on that day when you went there?—Yes; but I did not know at the time his name was Manning, but he told me he was the proprietor of the place. I also saw a lot of black soldiers there.

1226. Did Mr. Brandon go into the building to deliver that order, or did you?—Brandon did.

1227. Did Mr. Brandon return immediately, and did you then see Ensign Cullen in the shop?—Brandon returned in about ten minutes to me, I being then in the road. I did not see him (Ensign Cullen) in the shop, but I did see him outside, about five minutes afterwards.

1228. From the time you arrived at the shop till the time you left it, did you see or hear the soldiers about there shoot any persons, to your knowledge, on that day?—No.

1229. Was any complaint made, or information given that day to you at all about three men who had been shot, or were going to be shot, on that day?—No; there was no information whatever given me about three men having been shot, or going to be shot.

1230. About what time did you leave the shop to return to Golden Grove, this same Saturday, October 21, 1865?—I left about 2.30 p.m., or thereabouts.

1231. As a fact, were you in conversation with Manning at the post-office, while you were there that day?—Yes.

1232. Did you return with or without Ensign Cullen and his detachment, on that day, to Golden Grove?—I returned with them.

1233. Do you know the field in which canes are growing, opposite, on the other side of the road from Manning's shop, by a logwood fence?—Yes, I do.

1234. Did you walk about that same field that same day while you were in it?—Yes, I went into the field, through the fence.

1235. Did you, on that day, while you were in the field opposite Manning's shop, see any dead bodies tied to any bamboo draw rail or fence in that field?—No, I did not.

1236. Did you go with the detachment of Captain Astwood on the Sunday after Saturday, 21st October, by the Iron Bridge, and did you then see or hear of any persons lying shot, or dead?—I was on the advance guard that day. I saw nothing and heard nothing of people being shot.

1237. Did you see or hear any gang of eight or nine persons, with hoes and shovels, on your route that same Sunday, near the Iron Bridge, or along the road?—No.

1238. *By Prosecutor.*] Which field did you go into and through which fence did you go into the field immediately opposite Manning's shop, on 21st October, 1865?—It was a cane field I went into, and I think, as far as I recollect, with a logwood fence. What took me in there was, seeing something black on the canes that covered the roots all over. This turned out to be small black insects. The canes were about three feet in height.

1239. Where did the detachment of Captain Astwood go from and to, on Sunday, 22nd October, 1865, and at what hour of the day did it move?—We left Golden Grove about 6 or 6.30 a.m. We went on, crossed the Iron Bridge by the post-office, and on to Amity Hall. We crossed the Iron Bridge about 7 a.m. After leaving Amity Hall we went up the river district, and so home to Golden Grove, our head-quarters at that time.

It being now 4 p.m., the Court adjourns till 10 a.m. 6th inst.

TWENTIETH DAY, 6th November 1866.

On Tuesday, the 6th November 1866, at 10 a.m., the Court re-assembles, pursuant to Adjournment: Present, the same Members as yesterday, and proceeds with the Cross-examination of ALFRED G. BERRY.

A. G. Berry.

1240. *By Prosecutor.*] YOU have said you went up the river district, and so home to Golden Grove; did you return and cross the bridge again, or did you go by another route, say through the estates, and which of them?—We went to Amity Hall. The advance guard, Mr. Brandon, and myself, with Mr. Harrison, went to Hordley Estate, the main body going to Wheelerfield. We met the main body at Wheelerfield; from there to Plantain Garden River Estate, then through a small village the name of which I do not know, then on to Golden Grove, our head-quarters. We did not cross the bridge again the same day, but returned by another route.

1241. *By Prisoner.*] You say you were on the advance guard; about what distance did you keep ahead of the main body on the Sunday?—One hundred yards.

1242. You say the insects on the canes attracted your notice; had you previously been employed

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employed or living on a sugar estate?—I have never been living on a sugar estate, but as an engineer I have been employed about them.

1243. *By Court.*] Was the cane piece which you entered on Saturday, 21st October 1865, immediately opposite the Post-office at the Iron Bridge?—It is opposite, but where I entered it was not opposite. It was a few feet off. It was on the Golden Grove side of the Post-office, that is to the westward.

1244. How far did you go into the cane piece?—I did not enter the canes. I went up to them, crossing the interval between the fence and the canes, some grass or something. I have not the slightest idea of the breadth of this interval which I crossed before getting to the canes.

1245. You say you were attracted by something black in the appearance of the canes; did you see that appearance from the road?—Yes, I did.

1246. Were you mounted or dismounted when you saw this blackness?—I saw it when mounted, as I was going to the shop.

1247. Did you see the black look of the canes by looking over or through the logwood fence?—I was on a horse, and saw it over the fence.

1248. When in the field opposite Manning's shop, did you notice a bamboo rail?—I do not remember anything about a bamboo rail; I only went in to look at the canes and out again.

1249. Did you go beyond the Post-office, in the direction of the Iron Bridge and Holland Bay, that is eastward, whilst you were waiting there on the 21st October 1865?—No.

1250. Were there other persons besides the soldiers in the vicinity of the Post-office at the time you were there on Saturday 21st October 1865; if so, about how many?—When I was there, I did not take any notice at all of anyone being there, except the black soldiers.

1251. Did Mr. Mortimer Brandon return to this Island by the packet which came in yesterday, 5th inst.; if not, do you know when he is expected to return?—He did not return in yesterday's packet, and I was told he would not be here till January next.

[The Witness withdraws.

Seventh Witness for Defence.

RICHARD MOYLE WILSON, Book-keeper, on Plantain Garden River Estate, being duly sworn, is questioned by the Prisoner.

R. M. Wilson.

1252. *By Prisoner.*] WERE you a book-keeper at Duckenfield in 1865 and 1866?—I was.

1253. Do you know the Duckenfield grass piece bamboo draw rail, opening on the road which goes past the Iron Bridge in the direction of Holland Bay?—Yes, I do.

1254. Had you, as book-keeper at Duckenfield, occasion to go into that grass piece, near about this bamboo draw rail, during martial law, or since?—I have been frequently into it since martial law, but not during martial law.

1255. Did you see any recent signs of a grave in this Duckenfield grass piece, near about the bamboo draw rail, at any such time?—No; never.

1256. If there had been any such marks or signs of a recent grave near about this bamboo draw rail, must you have seen them?—Certainly.

1257. *By Prosecutor.*] How long after martial law was it, that you first went into this grass piece?—About a month after, in December.

[The Witness withdraws.

Eighth Witness for Defence.

JOSEPH WOOD, Book-keeper at Amity Hall Estate, being duly sworn, is questioned by the Prisoner.

J. Wood.

1258. *By Prisoner.*] WERE you a book-keeper in 1865, and also this year?—I was a book-keeper at Hordley in 1865, and part of this year.

1259. Were you in the discharge of your duties obliged, during or since martial law, or this year, to go often over the Iron Bridge to Holland Bay; and if so, for what purposes?—Yes; I have often passed and re-passed from Hordley to Holland Bay, to look after produce, both last year and this year; I went since martial law, but not during martial law.

1260. Do you know the bamboo draw rail on the road, as you turn to the left hand in coming over the Iron Bridge from Amity Hall, and going in the direction towards Holland Bay?—I do.

1261. Have you had opportunities of seeing any fresh grave, inside that bamboo draw rail?—If there was one, I would have seen it.

1262. Did you see any such fresh marks in this grass piece by the bamboo draw rail, last year or this year, and before September in this year?—No, not till this year; since they have taken out the bodies.

1263. Do you know George Manning; what is he; what character does he bear?—I do know him; he keeps the Post-office at the Iron Bridge; he bears none of the best of characters to my knowledge.

1264. *By Prosecutor.*] Did you ever go into the grass piece?—Yes; since they dug up the bodies.

1265. Did you ever go into it before the bodies were dug up?—No.

1266. Then your observation is confined to your rides past the place in the course of your duty; that is, before the bodies were dug up?—Riding past, I look at the grass; I notice the grass.

1267. *By Prisoner.*] Is the spot (at which the hole is dug, out of which the bones were taken) near to, or far from that bamboo draw rail; could you or not plainly see six or seven yards inside from the road?—The spot is near to the bamboo draw rail; I could plainly see six or seven yards inside from the road.

1268. *By Court.*] When did you first pass the bamboo draw rail after martial law; were you on foot or mounted; and what made you notice the grass?—I do not exactly remember the date, but I think it was in December; I was mounted at

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the time; I noticed the grass, because it was good grass to feed stock on.

1269. What was the height of the grass?—In some parts, far in, it is high, and other parts low. In a grass piece, in cutting it at the commencement, if it is a large piece, you will find the first part about two feet high when you had finished the last part of it. Far in, where the grass is high, I should say it would be from two to three feet, and in parts where it is low, it would be perhaps a foot in height.

[The Witness withdraws.

Ninth Witness for Defence.

JAMES AUSTIN FOWLES, Acting Surveyor of Her Majesty's Customs, residing in Kingston, being duly sworn, is questioned by the Prisoner.

J. A. Fowles.

1270. *By Prisoner.*] WERE you in St. Thomas-in-the-East during martial law; if so, what were you doing there, and what rank did you hold?—I was in St. Thomas-in-the-East from 19th till the 24th October 1865, as a volunteer; a private.

1271. Will you tell the Court whether you went with the detachment from Golden Grove over the Iron Bridge on Sunday the 22nd October 1865; whether on that route you saw or heard of the dead bodies of three men killed by soldiers, or saw or heard of eight or nine persons with hoes or shovels, or other implements, digging a grave, or met any such people at all that day?—I went with the detachment from Golden Grove over the Iron Bridge on that date; I never heard on that march a word about three dead bodies; I never saw or heard of persons digging a grave; the only persons I saw were some three or four standing at the Post-office.

1272. On that route on this Sunday, was any person pointed out to you as being George Manning of the Post-office?—Yes; he was standing at the door.

1273. On your route on that Sunday, when you saw George Manning, was any complaint made, or information given to you, or to anyone in your troop, to your knowledge, about any three persons lying dead there by the grass piece, as killed by soldiers on the day before?—No information on this subject was given to me, nor in my hearing was any such given to anyone in my troop.

1274. Had those three or four persons, standing at the Post-office, any digging implements with them, such as hoes or shovels, or pickaxes or crowbars in their hands, or otherwise, that you saw?—No, they had no such implements in their hands; I saw no digging implements.

1275. Have you had opportunities of forming an opinion of the character and conduct of Ensign Cullen during martial law, and while he was in St. Thomas-in-the-East; is he a humane man, or otherwise?—I was with Mr. Cullen for four days. I saw him every day. I formed the opinion of him that he was mild, gentlemanly, and quite incapable of committing a cruel act. Numerous sentences of flogging were carried out, and I never saw him attend. On the morning before I left Golden Grove I was talking to him, when a serjeant of his company told him he had taken up three or four of his men for robbing an old woman in the neighbourhood. The men were brought up before him; he rebuked them, and told them that if a similar thing happened again, he would have them tried by court martial. He ordered the serjeant to restore the old woman her money, which was done. I consider him a very humane man.

1276. *By Prosecutor.*] At what hour did the detachment of volunteers, of which you have spoken, arrive at the Iron Bridge, or the Post-office?—I think between 7 and 8 a.m.

1277. Did the detachment remain at the Post-office any time, and in what direction did it go; did it return the same way?—It remained at the Post-office about 20 minutes. It crossed the Iron Bridge, but did not return by the same route.

1278. *By Prisoner.*] You state that you arrived at the Iron Bridge between 7 and 8 a.m.; did you all or not wait for, and get coffee, &c., at Golden Grove before you started on the Sunday morning?—I know I got no coffee before I started, because I was very much annoyed at it. I do not know whether others got any, or not.

1279. *By Court.*] Did the men of the detachment dismount, or break off at the Post-office or Iron Bridge?—Some of them dismounted.

1280. Do you remember what sort of morning it was; whether wet, fine, calm, or a breeze blowing; cold or hot?—To the best of my recollection, it was very warm. I do not believe there was any rain that morning. I cannot now remember whether or not it was calm, or a breeze blowing.

1281. To your knowledge, were any black soldiers that Sunday morning at the Post-office, or on the road from Golden Grove to Amity Hall?—No, I did not see any.

[The Witness withdraws.

Tenth Witness for Defence.

WILLIAM GEORGE ASTWOOD, a Merchant residing in Kingston, being duly sworn, is questioned by the Prisoner.

W. G. Astwood.

1282. *By Prisoner.*] WERE you in St. Thomas-in-the-East during martial law; whereabouts were you, and what rank did you fill; are you a justice of the peace?—I went to St. Thomas-in-the-East on 19th October 1865, a few days after the proclamation of martial law. I was at Morant Bay, and afterwards in the Plantain Garden River District. I went up in command of the Kingston troop of Volunteer Cavalry, as its captain. I am a justice of the peace.

1283. On Sunday 22nd October 1865, did you go with a detachment from Golden Grove; and, if so, did you on that route see three dead bodies, or see or meet any persons with hoes, shovels, or other implements of digging, about the road or grass piece, or Post-office, or Iron Bridge?—I went

went on that date with a detachment from Golden Grove. I saw no dead bodies, nor did I hear of anything of the sort. I saw nothing of any persons with digging implements; and I would specially mention that, after crossing the Iron Bridge, and approaching the scene of the murder of Mr. Hire, we scoured the country most minutely, searching every place and house, and saw nothing of the sort; in fact, saw very few people indeed.

1284. How many men had you on that route, that Sunday morning?—Officers and men, about 40; as near as possible, 40.

1285. Was a person, said to be George Manning, pointed out to you on your route that Sunday morning, at or near the Post-office?—There was a person standing at the door of the Post-office building, who was pointed out to me as George Manning.

1286. On that route, and when you saw the person pointed out as George Manning, did you receive, or did your men to your knowledge receive, any complaint or information that three men were then lying dead near the grass piece, shot by soldiers the day before?—I received no information myself; and, to the best of my knowledge, my men received none; not in my hearing.

1287. About Golden Grove, and that road, and about that time, who were chiefly to be seen; males or females, or anyone?—We saw very few on the road. Those to be found in the houses were chiefly men with sore legs, and so on, and women with children; those, in fact, who seemed to be unable to take to the hills.

1288. How long were you on the road searching, between the time when you left the Iron Bridge and the time you left Amity Hall?—I think the time occupied in searching the negro houses at the foot of Juan Hill, and afterwards the Great House at Amity Hall, must have occupied all of two hours, making it, I should think, about 10 a.m. when we left Amity Hall.

1289. Do you know, as a fact, that Mr. Berry and Mr. Brandon were the men sent on 21st October, and as an advanced guard on 22nd October, on Sunday?—I ordered them myself to go on Saturday 21st to the Iron Bridge, with a message to the officer commanding the detachment of the 1st West India Regiment, and I saw them go. When we commenced our march on Sunday, I placed them as an advance guard.

1290. Did you leave Mr. Berry and Mr. Brandon without any instructions, being your advance guard, or did you give them positive orders as to their conduct on the route?—I did not leave them without instructions. I directed them to stop every person they met, and to look carefully into the cane pieces and hedges on either side of the road, and to halt and observe carefully anything that required being reported to me. My orders were to that effect; I am not, of course, giving the exact words used.

1291. To the best of your recollection, did Mr. Berry and Mr. Brandon, who were sent forward on 21st October 1865, come back to Golden Grove quarters about the same time as Ensign Cullen with his detachment, on Saturday 21st October 1865?—I have reason to believe they did. They reported their arrival to me the same time that Ensign Cullen came in.

1292. Did you see Ensign Cullen on his arrival at Golden Grove on Saturday 21st October 1865, and, if so, at what time did he arrive there?—I saw his arrival; I did not consult my watch, but I think about 3 p.m.

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1293. Did Ensign Cullen, when he came into Golden Grove, seem at all excited or alarmed, or in fear of anything?—He did not; and appeared quite collected. I noticed no change in his manner. He appeared then as he has ever since.

1294. Did Ensign Cullen on that day, or not, freely enter into conversation with you about his march that day from Manchioneal to Golden Grove; answer as to the fact, whether he did or not?—He did.

1295. On that Saturday 21st October 1865, was any information given to you by Ensign Cullen as to the killing or shooting of any three men, about the grass piece, or near the Iron Bridge, or near the Post-office, or any road in that district?—Ensign Cullen and I sat next one another at dinner, and the conversation at dinner turned almost exclusively on the incidents of his march from Manchioneal, and of mine from Morant Bay. He appeared free and unreserved, and there was nothing of the sort mentioned.

1296. Is there a clock at the Golden Grove Church, near the Golden Grove Quarters; and does that clock strike the hours?—I think there is, and I think it does strike the hours.

1297. During martial law, was there any service held at any place of worship, to your knowledge, in the district about Golden Grove while you were about there?—There was not; I particularly remember two chapels, one at Amity Hall and one a little further on, being closed.

1298. Did you meet or overtake on your route on that Sunday morning, about the Post-office, or Iron Bridge, or the road between the bridge and Amity Hall, any black soldiers?—I did not; neither met nor overtook any.

1299. As captain of a troop, did you hear of frequent complaints of the straggling of soldiers on the march and otherwise, and of the difficulty of keeping the men under control?—I have, and have on several occasions met them straggling.

1300. Were there any parsons (clergymen) still remaining in the district, or had they all fled for their lives?—I believe all the recognised parsons had fled; but there were some of the local preachers amongst the peasantry remaining, self-constituted preachers, as I am not aware of their being ordained by any proper authority.

1301. Are you aware whether or not bodies of troops, black soldiers, volunteers, Maroons, and others, were about this neighbourhood during the time you were about the district?—The Maroons were in the neighbourhood while we were there. Troops had been there, and I think troops and volunteers were about subsequent to our leaving. On reflection, I can state positively that troops and volunteers were there after we left. The Maroons remained about there after we left.

1302. On the Saturday, 21st October, was there then any fear whatever of any commission or court martial appointed from England?—Not the slightest; every man felt he was doing his duty.

1303. When first did you hear of this report, about the killing of these men; did you, in consequence (as a fact), make inquiries of your men?—I heard of it a few days before the closing of the Royal Commission. I did make inquiries among my men; so surprised was I at the story, that I went about and did make inquiries among my men.

1304. Suppose bodies were lying dead, exposed

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posed, killed on a Saturday, out in the night all Saturday, uncovered and open to the atmosphere till 8, 9, 10, 11, a.m., on the Sunday, would you have expected in that climate, in St. Thomas-in-the-East, that the bodies would have stunk, or that they would have attracted crows?—I speak from experience about the crows; I think any dead body lying out that length of time would have attracted a large assemblage of crows; I believe they would have become offensive to the sense of smell.

1305. Did you see any crows about that Sunday morning, about this grass piece?—I saw none.

1306. Do you remember passing by this grass piece by the logwood fence and anything occurring, such as a member of the troop looking for a horse in that grass piece, or such as some of your men halting and talking to anyone?—I remember Mr. Harrison, who was one of my men, offered me a horse, and expected to find it in the grass piece opposite the Post-office; he afterwards told me he looked and could not find it. I remember two of the men of the party dismounting and going into the Post-office and speaking to Mr. Manning; one of them got from him a piece of rope.

1307. Have you had opportunities of forming an opinion of the character and conduct of Ensign Cullen during martial law, and in St. Thomas-in-the-East; is he a humane man, or otherwise?—I saw a good deal of Ensign Cullen whilst in St. Thomas-in-the-East, and observed him to be very gentlemanly and unassuming. I had no opportunity of judging of his humanity, nothing having transpired by which I could form an opinion. Now I remember, he sat with me on a court martial, and showed no disposition whatever to punish people beyond what might be considered conscientiously correct, rather inclined to leniency. From his general deportment, I should think he had all the elements of humanity; my subsequent intercourse with him confirms that opinion.

1308. *By Prosecutor.*] You have spoken of searching the negro village at Juan Hill, and the Great House at Amity Hall; did you search all the labourers' cottages on Amity Hall Estate?—I did not search all personally, but I know that they were all, or nearly all, searched, because the party spread out for that purpose; there may have been some exceptions.

1309. Then do you mean this Court to understand that on all that estate there were no persons to be found on that day able, as you have said, to work; that they were all gone to the hills?—The majority of the houses were unoccupied; those that were occupied were so by the class of people whom I have mentioned. As a rule, all the able-bodied men and women had disappeared; they were hiding, I suppose; we could not see them.

1310. How, then, was the work of the estate being carried on?—It was not being carried on at all. A section of our party of volunteers was composed of overseers and book-keepers who had fled from that district, and had been as refugees in Kingston and Morant Bay. All work, therefore, was suspended, and the majority of the houses occupied by these people were uninhabitable.

1311. Then who was taking care of the cattle on the estate?—In most instances they were wandering about. I do not mean this to apply to Amity Hall Estate, as I did not notice the cattle there, but to the estates generally.

1312. *By Court.*] How many Sundays were you in the district of Golden Grove; be so good as to specify the dates?—I was in that district only one Sunday, the 22nd October.

1313. What description of soldiers did you meet straggling; will you state the dates and places at which you met them?—They were black Zouaves belonging, I suppose, to one of the West India regiments. Early on the morning of the 21st October, Saturday, I met one at East Prospect Estate, between Morant Bay and Port Morant; I met another, it may have been the same man, at Leith Hall, at Port Morant. Then, very early on the morning of 23rd, I met two riding from Dalnay; I called to them to halt, and they refused to do so. I was riding through the Duckenfield Estate on the high road at the time.

1314. Can you state the places in the neighbourhood where the Maroons and other troops were on Saturday 21st, or Sunday 22nd October, 1865?—Of my own knowledge I cannot state where the Maroons were on the 21st, but I met a party of them on Sunday the 22nd at Batchelor's Hall Penn, and on the 21st a party of the 1st West India Regiment, under Ensign Cullen, were at Golden Grove with ourselves, the volunteers. Ensign Cullen's party was also there on 22nd.

1315. Were any of Ensign Cullen's detachment mounted when they arrived at Golden Grove on Saturday afternoon, 21st October?—There were; I cannot say how many, but they showed a good lot of horses in the paddock after they had dismounted.

[The Witness withdraws.

It being now 4 p.m., the Court adjourned till 10 a.m. to-morrow, 7th instant.

TWENTY-FIRST DAY, 7th November 1866.

On Wednesday, the 7th November 1866, at 10 a.m., the Court re-assembles pursuant to adjournment: Present the same Members as yesterday.

Eleventh Witness for Defence.

ROBERT SCOTT BRASS, Merchant of Kingston, being duly sworn, is questioned by the Prisoner.

R. S. Brass.

1316. *By Prisoner.*] WERE you in St. Thomas-in-the-East during martial law; and if so, what rank did you hold?—I am first lieutenant of the Kingston Volunteer Company of Engineers, but during the rebellion I volunteered to act, and did act, as lieutenant in Captain Astwood's mounted troop, in Captain Adcock's column; I was in St. Thomas-in-the-East during martial law.

1317. Did

1317. Did you go with Captain Astwood's troop on Sunday 22nd October 1865, from Golden Grove?—I did.

1318. Did you see any of the men of the troop halt, stop, and apparently speak to any one by the Post-office?—I did not, I was in advance; had I seen it, I would not have allowed it.

1319. Do you know the Iron Bridge; when you came there did you at first take the road over the bridge, or along the same road, towards Holland Bay?—I know the Iron Bridge, I did not at first go across it, but kept the straight road, leading towards Holland Bay.

1320. If you did, about how many yards in the direction of that Holland Bay-road did you go, and were you then mounted?—I should say I went as far as 25 or 30 yards down the road, I was mounted at the time.

1321. Were you called back by any one, and informed you had taken the wrong road?—I was.

1322. Did you see bodies of three dead men that morning, along the distance you went, from the Iron Bridge on that Holland Bay-road, or in front of you at all, further on, as far as you could see forward on that road, or on that road at all that same Sunday?—I saw no dead bodies that morning at all.

1323. Was any complaint or information received by you, or by any of your troop, to your knowledge that morning, about three men lying dead, unburied near the logwood fence, or by the grass piece, as persons who had been killed by soldiers the day before?—I received no information whatever of such an occurrence, nor did any of my men, to my knowledge.

1324. Did you see any persons with hoes or shovels, or other digging implements on that Sunday on your route, on the road which passes the Iron Bridge, or anywhere near that road?—I did not; had I seen such, I should have made them prisoners.

1325. Did you see any of the Maroons on Sunday 22nd October 1865, in this same plantain Garden River district; if so, had they any prisoners or not in charge?—I saw Maroons one day, I cannot say on what day, it might have been on Sunday; they had prisoners in charge.

1326. Is it a fact or not that strict orders were given to look out well on either side that same Sunday morning, on your route; and if so, did you obey such orders?—I received such orders from my superior officer to that effect, before leaving Golden Grove, and I kept repeating them to my men.

1327. Can you tell the Court whether you were the only trooper who made the mistake, of going on by the Holland Bay-road, instead of going direct over the Iron Bridge on the route that Sunday morning?—No; there was one or two files before me, I was placed by the second file on the left, that was my exact position; there were two troopers a few paces further on in advance, who throughout had acted as advance guard, but I cannot recollect whether these two troopers in advance made this same mistake. *R. S. Brass.* 7 Nov. 1866.

1328. *By Court.*] From what point do you count the 25 or 30 yards, which distance you say you went down the Holland Bay-road when you were called back?—From about opposite the Iron Bridge. (*Witness points to the place in the plan marked E.*)

1329. What bounded the Holland Bay-road on either side, as far as you went or could see?—I recollect a logwood fence running along the right hand side of the road coming from Golden Grove, but I could not say how far it went on the other side, bamboos close to the river, that is, after passing the Post Office.

1330. What were the names of the troopers who formed the advance guard?—I cannot recollect them, there were two, on most occasions; Troopers Berry and Brandon were in advance, but on this particular occasion I cannot recollect whether they were, I was on the left of the second file from the front of the main body.

1331. Who called you back?—I cannot recollect; when I turned back I joined Mr. Harrison of Hordley, but I cannot recollect whether he called me; he was our guide.

1332. Are we to understand you then, that the head of column advanced with you along the Holland Bay-road until recalled; was the column compact?—The column was not compact, some had evidently been stopped before they got so far, but there were two or three files with me.

1333. Where did you see the Maroons, whom you say had prisoners in charge; what was the strength of the party of the Maroons; how many prisoners had they; which way were they going?—At a place called the Racecourse, in view of a house which I was told was called Batchelor's Hall, I had never been in that district before, and do not know much regarding the names of places; I cannot say what was the strength of the Maroons, but they were under one Captain Mendes; I cannot say how many prisoners they had, they were men and women banded together, we flogged some of them at the Racecourse; I do not know where the Maroons were going.

[The Witness withdraws.

Twelfth Witness for Defence.

JOHN HENRY DAVIS, Clerk to Messrs. Charles Levy & Co., Kingston, being duly sworn, is questioned by the Prisoner.

1334. *By Prisoner.*] WERE you in St. Thomas-in-the-East during martial law, and what rank did you hold?—I was, and I was a trooper in Captain Astwood's Volunteers. *J. H. Davis.*

1335. As you came along the road from Golden Grove towards the Iron Bridge, were you stationed on the right or left hand, on Sunday 22nd October 1865?—To the best of my recollection, I think I was on the right.

1336. Did you, in obedience to orders, keep a good look out that morning?—Yes.

1337. Did you see any bodies of three dead men from the Iron Bridge, towards Holland Bay-road to your right hand, as you turned over the bridge, as far as you could see forward on that road, that Sunday 22nd October 1865?—No, I did not.

1338. Was any complaint or information that Sunday received by you or any of the troop to your knowledge, about three men lying dead near the logwood fence unburied, persons said to have been killed by soldiers the day before?—No, I never heard anything of the kind.

[The Witness withdraws.

Thirteenth Witness for Defence.

EDWARD WHITEHOUSE LEWIS, being recalled, is questioned, on his former oath, by Prisoner.

E. W. Lewis.
7 Nov. 1866.

1339. *By Prisoner.*] WERE you employed by the Royal Commissioners to assist them in making inquiry into all matters connected with the late rebellion in St. Thomas-in-the-East; state the period?—On 13th February 1866, I was retained by the Royal Commissioners to proceed to St. Thomas-in-the-East, I arrived at Morant Bay on the morning of the 14th, I remained until the 22nd, examining over 100 witnesses, of which number I could only forward twenty to Spanish Town, as being material to the enquiry. On the evening 22nd, Mr. Russell Gurney, one of the Commissioners, arrived at Morant Bay, and a Court was held there that evening. We proceeded that night to Bath, and Courts were held there 23rd and 24th of the month. On Sunday I was directed to proceed to Manchioneal, to prepare a Court for Tuesday 27th. On that day Mr. Gurney held his Court there till it was dark. That completed my first mission to St. Thomas-in-the-East.

1340. Can you shortly state to the Court what means you took so as to obtain all the information from every one about these matters, and to make your mission publicly known?—Large placards or handbills printed by authority of the Royal Commissioners, and signed by their secretary, of which this was one (*exhibiting one in his hand*) were posted up in every direction throughout the parish of St. Thomas-in-the-East, and in the negro villages. Summonses were freely issued to all witnesses whose names were suggested to me. Rural constables and policemen were sent on the estates, negro villages, to tell the labouring people that I was there to hear their grievances, or to receive any information they could give. To facilitate this, and to save them from having any considerable distance to travel, I myself moved about from place to place in the district, as well as to other places.

1341. Was that first mission the only one; state how long you continued making inquiries for the Commissioners?—I made a second mission, beginning on 13th March. After the 27th February my services ceased, and I received a second retainer on the 13th March following; and that second mission arose from the circumstance that it was reported to the Commissioners that over 100 persons had, as it was alleged, disappeared from Monklands, in St. Thomas-in-the-East, whose disappearance had not been accounted for; accordingly, on the 14th March, a fresh Court was held before Mr. John Blossett Maule, another of the Commissioners, at Monklands. This second mission terminated on the 19th March, at Morant Bay.

1342. Did you see Anderson, and when first; did he give you any information about the killing of the three men, the subject of this prosecution?—

Before this question could be replied to, the Deputy Judge Advocate requests the President to be good enough to allow the Court to be cleared, in order that the latter part of this question may be taken into consideration.

The Court is accordingly cleared.

The Court is re-opened and the question put.

I saw him at Golden Grove on 17th March 1866, and on that subject I received no information from him.

1343. Did you see Manning, and when first; will you give the Court shortly your version of all that passed between you and him, in reference to the killing of the three men, the subject of this prosecution?—On Monday, 19th March 1866, a Court was held at Morant Bay before Mr. Maule for a few hours; I saw Mr. Manning, and asked him why he did not attend at Golden Grove on 17th instant? He said he had received his summons too late, that was the reason; I then asked him if he knew what had become of three persons named Bell, Walton, and M'Call? He said that he remembered during the second week of martial law, these three persons just named were brought in by constables to the Plantain Garden River Post-office, handed over to some soldiers who were there, black soldiers; they were taken some short distance from the Post-office and shot. I said, "We have had a great deal of hearsay evidence, Mr. Manning, did you see this done with your own eyes?" He said "No, I was in the Post-office, I heard the report of the guns, and from that I presume they were shot, as I subsequently saw the grave." I said, "Your evidence is not very material, as you did not see this yourself, but as you have been summoned, at the particular request of Mr. Morgan and Mr. Payne, you had better attend Mr. Maule upstairs."

1344. Did Manning mention at all to you the name of Ensign Cullen, as being concerned in the killing of these three men, on the day of which you speak?—He said no more to me but what I have just related to this Court.

1345. Was the charge about these three persons (the subject of this prosecution) made at an early part of the Royal inquiry, or only just at the final close, or just after a recent failure of a certain large number of cases at Monklands, in respect of soldiers?—We heard nothing of the charge of these three persons; that is, they did not appear on my list to be accounted for, till the 19th March; this was after the cases at Monklands had been enquired into, on 14th and 15th March.

1346. As a practising solicitor of some years standing, and as the solicitor in St. Thomas-in-the-East to the Royal Commissioners on their inquiry, will you tell the Court of your experience, as to the credibility of the lower orders, as to dates, times and distances; as a general rule, is their evidence in such respects trustworthy?—In my experience of nearly 20 years in connection with the law, very little, if any, reliance can be placed on the labouring population of this country, as to dates, time and distances; and this opinion has been further strengthened after my examination of from 300 to 400 persons in St. Thomas-in-the-East, none being able in that inquiry to give me further information as to date, than that a thing happened in the first, second, third, or fourth week of

of martial law; of course there are some exceptions, in cases where they have had the benefit of some education.

1347. *By Prosecutor.*] Do not you know as a fact that Anderson gave evidence respecting the killing of these three men before the Royal Commissioners?—I do not know of my own knowledge what evidence he gave to them beyond what I saw printed.

1348. Did you make any written memorandum of what passed between you and Manning, or are you trusting to memory for what you repeat of the conversation you have spoken of as having taken place between you?—I am trusting to memory.

1349. Was Manning the first person who gave evidence or information about the death of these three men, which led to the inquiry instituted by the Royal Commissioners?—He was to me.

1350. But was he the first to any other person connected with, or to the Royal Commissioners?—I can only answer for myself.

1351. Do not you know as a fact that the inquiry touching the death of these three men did not originate in consequence of any information given by Manning, but by some other person?—I do not know how it arose beyond making myself inquiry of Manning as to these men. A list of persons who had disappeared was handed in to me. Amongst them were the names of these three men. Manning was the first man I asked about these men.

1352. When was that list handed to you?—On the 13th March 1866.

1353. Is the Court then to understand that Manning did not appear voluntarily, but in obedience to summons which was sent to him in consequence of your having that list sent to you?—He did not attend voluntarily; he was twice summoned, once to appear at Golden Grove, and once at Morant Bay. He did not appear the first time, but he did afterwards at Morant Bay.

1354. By whom was that list handed to you?—It was forwarded to me through the secretary to the Royal Commission, Charles S. Roundell.

1355. Do you not know that the Royal Commissioners refused to take more evidence than was barely sufficient to give them general information?—I know that their inquiry was as full as it was possible to be, and according to the information afforded them. I know of no refusal of evidence, if properly tendered and offered to them. I may add to this, that so particular was Mr. Gurney, one of the Commissioners, both at Morant Bay and at Bath, that he received evidence which I had rejected previously.

1356. Do you happen to know if any witness had been examined before the Commission on the subject of the death of these three men, previously to your getting the list of which you have spoken?—No; I have no knowledge on this point.

1357. *By Prisoner.*] You were asked whether your statement as to Manning was in writing, or merely from memory: is your memory as to what you have stated as having passed between you and Manning on the 19th March 1866 at all defective or doubtful; did his statements attract your marked attention and astonishment in March or April; answer precisely, yes or no?—My memory is not at all defective or doubtful as to what took place on 19th March last; it was so recent, and I have a good memory. Nothing particularly struck me except seeing his statements in print, and his identifying Mr. Cullen, when he had not mentioned that officer's name to me.

1358. Did Manning, at the same time he spoke to you, offer one single witness other than himself, according to your recollection of what occurred?—He said or did no more than I have already stated, nor did he offer me any information, or the names of any witnesses; otherwise I should have felt it my duty to summon them.

1359. *By Court.*] You have stated that you saw Anderson first at Golden Grove on the 17th March 1866: was he examined on that day before the Commission?—He was.

1360. You have stated that Anderson did not give any information on this subject to you on the 17th March: did you make any inquiry of him on it?—No.

1361. You have said the names of the three men, the subject of this present charge, were handed to you on 13th March: as solicitor to the Commission, can you tell the date on which evidence on the subject was first given by any witness before the Commission?—From what I saw in print, I believe information was first given before the Commission by Anderson on the 17th March; and, of my own knowedge, information was given by Manning at Morant Bay on the 19th March before the Commission.

1362. You stated that the list was sent to you by Mr. Roundell on the 13th, how was it that the names did not appear "on your list to be accounted for" until the 19th March?—I had that list on the 13th, but the 19th was the day on which a Court was held, at which inquiry respecting these men was gone into.

Before withdrawing, the Witness hands in a copy of one of the printed placards (alluded to by him in reply to Question 1340), which was marked (I.), signed by the President, and attached to the proceedings.

[The Witness then withdraws.

It being now 3.45 p.m., the Court adjourns till 10 a. m. to-morrow, the 8th inst.

TWENTY-SECOND DAY, 8th November 1866.

On Thursday, the 8th November 1866, at 10 a.m., the Court re-assembles, pursuant to adjournment: Present, the same Members as yesterday.

Fourteenth Witness for Defence.

No. 252, LEWIS O'CONNOR, Serjeant in E Company, 1st West India Regiment, being duly sworn, is questioned by Prisoner.

L. O'Connor.
8 Nov. 1866.

1363. *By Prisoner.*] WERE you one of the soldiers who marched with Ensign Cullen from Manchioneal, by the Iron Bridge, past Manning's shop, and on to Golden Grove?—Yes.

1364. Did you halt on that march at the Post-office, at Manning's shop, on Saturday, 21st October 1865?—Yes.

1365. While halting at Manning's shop, the Post-office, on that march on Saturday, 21st October last year, did you shoot any three prisoners, or did you see or hear any three prisoners shot, at or near the Iron Bridge, or by the grass piece near the Post-office?—No.

1366. About how many men marched from Manchioneal on that Saturday?—About 25.

1367. Were the men mounted or not, on that march?—Mounted.

1368. Did you go on your march in "light marching order"?—Yes.

1369. *By Prosecutor.*] How long did you remain at the Post-office?—About three or four hours.

1370. At what hour did you arrive there?—About 9 a.m.

1371. Were all the 25 men mounted?—They all started mounted; but some of them who can't ride when they reach half-way, let go their horses.

1372. Who commanded you; did the commanding officer arrive with you at the Post-office?—Mr. Cullen was in command; he arrived with us at the Post-office.

1373. Did you or any of the men get any refreshments at the Post-office?—Yes; I did, and some of the men did.

1374. Did all the men who left Manchioneal arrive with you at the Post-office?—Yes.

1375. What did you get to eat at the Post-office?—Bread; we had brought our rations cooked in our havresacks.

1376. Who did you see at the Post-office when you arrived there?—I saw the man in charge of the Post-office, and a woman, and another man; no other man stopping there.

1377. What are the names of the man in charge of the Post-office, the woman, and the other man?—I know the name of the man in charge is Manning; but I do not know the names of the woman and the other man.

1378. You say you saw no other man stopping there; did you see any other man, or woman, or boy, or girl; if so, state such of the names as you know?—I saw some passing up and down the road; I know none of their names at all.

1379. You say you saw some people passing up and down the road; do you mean travelling, or going from one place to another, and not stopping at the Post-office?—They did not stop at the Post-office.

1380. Did you see any one besides Mr. Manning and the man and woman whose names you do not know, come to the Post-office while you were there and remain; not those who only passed without stopping?—No.

1381. Then, is the Court to understand that during all the time you were at the Post-office, no one came there, except the few people who passed, and you found none there except the three you referred to?—No one came there while we were there, except the people passing.

1382. Tell the Court, as near as you can remember, how many people passed the Post-office while you were there?—I cannot recollect; I did not count them.

1383. What did you do during the time you remained at the Post-office?—I was sitting down at the Post-office outside the door.

1384. Are you rightly understood to mean that the people who passed did not stop, or halt, at all?—They did not stop there at all.

1385. Are you a native of Jamaica; and if so, where were you born; in what parish?—I am a native of Jamaica; I was born in the parish of Trelawney.

1386. Tell the names of all the non-commissioned officers who accompanied the detachment?—Corporal Hunter, myself, Corporal O'Connor, Corporal Maddix, Corporal Skeen, Corporal Chaplin, Corporal Beckles, Serjeant Stubbs; I do not remember any more; these were all coloured men, except Corporal Maddix, he is a white man.

1387. You say Mr. Cullen was in command of the party; was any other officer with the detachment?—Dr. Morris was.

1388. Where did the officers go when you arrived at the Post-office?—They were inside the Post-office, in the house.

1389. Which part of the house; in the shop or the hall?—In the shop.

1390. Were both officers in the shop the whole time the detachment remained at the Post-office?—Yes.

1391. Did neither of them come into the road or out of the shop at all during all the time they were at the Post-office?—No.

1392. When the detachment left the Post-office where did it go to?—To Golden Grove.

1393. Did all the officers, non-commissioned officers and men who came from Manchioneal, go to Golden Grove together?—Yes.

1394. Did anyone go with them not being of your military detachment?—No one went, except those who belonged to the party.

1395. Did anyone come from Manchioneal with the detachment, except the officers, non-commissioned officers and men?—Only them.

1396. Were you awake all the time you were at the Post-office?—Yes.

1397. Did you ride or walk from Manchioneal to the Post-office?—I ride.

1398. Whose horse did you ride, and on whose saddle?

saddle?—I got a horse from Port Antonio, and the saddle there too.

1399. Did you hear any claim made for a horse or a saddle while you were at the Post-office?—No.

1400. Did you see any people come to the Post-office from the direction of the Duckenfield Estate?—I did not notice; there are cross roads, and I did not see which road they came, whether from Duckenfield or cross road.

1401. Did you hear any cry of "Prisoners," or "Prisoners are coming," or "Prisoners got away," while you were at the Post-office?—No.

1402. Who, then, did you see come, whether from Duckenfield or the cross road?—Some civilians passed; little boys.

1403. Did you see any prisoners brought in to the Post-office; any tied to any of the posts of the shed in front of it, or any led away from the Post-office?—No.

1404. *By Prisoner.*] You say all the men arrived with you at the Post-office. When you arrived at the Post-office, was there any roll-call of the men. Had there been any roll-call at Manchioneal before you started?—There was a roll-call at Manchioneal, but we did not call the roll at the Post-office. *L. O'Connor.* 8 Nov. 1866.

1405. Was there any roll-call when you left the Post-office to march to Golden Grove?—No.

1406. Do you remember if Serjeant-Major Wolstenholme, of the 6th Regiment, was there on this Saturday, amongst the others whom you have named?—Yes, he was.

1407. You say you yourself rode. Where were your horses kept about the Post-office. At the back or front, or side of the house, or where?—At the side of the house—the Golden Grove end—in the Grass-piece belonging to the Post-office.

1408. You say you did not see any other person stop at the Post-office, but the man Manning and the woman, and that you remained sitting at the Post-office. Do you mean that you remained in the same one spot all the time, three or four hours; or did you move about now and then a little from place to place about the shop; for instance, to see after your horses?—I move about now and then.

[The Witness withdraws.

Fifteenth Witness for Defence.

No. 2651. Corporal WILLIAM HUNTER, 1st West India Regiment, being duly Sworn, is questioned by the Prisoner.

1409. *By Prisoner.*] How long have you been in the service?—Ten years, one month, and thirteen days. Corporal *W. Hunter.*

1410. Did you go from Manchioneal by the iron bridge to Golden Grove on the same detachment with Ensign Cullen and Dr. Morris, on Saturday, 21st October, last year?—I did.

1411. Did you halt at Manning's shop (at the Post-office) on that same march on that Saturday, 21st October, last year?—I did.

1412. Did you at or near the iron bridge, or Grass-piece, near Manning's shop, shoot, or did you see or hear, any three prisoners shot, that same Saturday, October 21st, last year?—Not on my march, that day.

1413. Did you see or take charge of, or have anything to do with, three prisoners, said to be in custody of a bookkeeper and constables, or any one else, about the Post-office that same Saturday?—No.

1414. Did you have a sword in your hand at or about the Post-office that same day, with brains upon it?—No.

1415. Are you a native of St. Thomas-in-the-East. Have you any cousin of the name of Elizabeth or Eliza Phillips, that you know of?—I am a native of St. Thomas-in-the-East. I do not know that I have any cousin of that name.

1416. About how many men started with you and that detachment from Manchioneal on that same Saturday?—I cannot recollect.

1417. Do you know Lone, who was one of the men in that same detachment, that same Saturday. Is he alive, or dead?—I do not recollect a man of that name.

1418. Do you know a soldier who died in Spanish Town the other day?—I know a man named Lone who died the other day; he was on that same party with me, on the Saturday.

1419. *By Prosecutor.*] At what time of day did the detachment arrive at the Post-office?—I cannot say.

1420. How long did it remain at the Post-office?—I say about five minutes; I had not got a watch; I was one of the advance guard; and the time I was there was about five minutes.

1421. When you arrived at the Post-office whom did you see there?—I see the postmaster, and many people passing by, whose names I do not know.

1422. Do not, at present, speak of the people passing by, but say how many people other than the postmaster you saw at the Post-office?—I saw no other persons but the postmaster and the postman, who had just arrived as we got there.

1423. Where did the post arrive from?—Returning back from Manchioneal.

1424. Did the whole detachment which left Manchioneal arrive together at the Post-office?—They did.

1425. What officers accompanied the detachment from Manchioneal to the Post-office?—Ensign Cullen and Dr. Morris.

1426. Mention again the names of all the persons you saw at the Post-office when you arrived there; and if you do not know the names of any, describe them?—I do not know the names of any, except the postmaster, Manning. I saw the postman, but I do not know his name. I saw people in the shop, but not in the Post-office; they were black and coloured people, buying things in the shop, males and females, as far as I can recollect. I cannot describe them further than that they were black or coloured, as I had nothing to say to them. There were about four or five.

1427. Did those people or any of them remain at, in, or near the Post-office or shop until the detachment went away?—I cannot say, because I was on the advance guard, and many of us.

1428. Did the whole detachment move off together, and in what direction?—I cannot say about the detachment, as I was on the advance guard. The direction was, after crossing the iron bridge, turn to the right and go on to Golden Grove.

1429. How long after you arrived at Golden

Corporal *W. Hunter.*

8 Nov. 1866.

Grove did the rest of the detachment join you?—I cannot say, because, as soon as I got in, I went away to look for a place for the detachment to stop in at Golden Grove.

1430. Did you leave the four or five people at or near the Post-office when you left?—I left them there; but one or two were just going away, passing the bridge.

1431. Can you tell the Court the time of day at which you arrived at Golden Grove?—About nine o'clock. I heard the clock strike nine when I arrived at Golden Grove.

1432. Did you return from Golden Grove to the Post-office that same day?—No.

1433. How many officers, non-commissioned officers, and men, arrived with you—together with you—at the Post-office?—I cannot tell the number of privates, but I could tell the number of non-commissioned officers and officers who arrived there with myself. There were two officers, three corporals, and two sergeants. There was Mr. Cullen and Dr. Morris. There was Sergeant-Major Wolstenholme and Serjeant Stubbs. There was Corporal Hunter (that is myself), Corporal Beckles, and there was Corporal O'Connor, who is a sergeant now. I cannot tell how many privates there were, because there were 50 men told off the night before for the party; but next morning we could not get them, and we marched off with what we could get.

1434. Although you do not know the number of privates, can you say if all who left Manchioneal arrived with you, together with you, at the Post-office?—I can say so far that the serjeant of the party called the roll, and reported to Mr. Cullen that they were present. This was at the Post-office. Serjeant Major Wolstenholme called the roll, and the witness who was with him was Serjeant Stubbs. When I say he call the roll, I mean he count the men to see if he got as many as he started with.

1435. Who gave you the order to go on as an advance guard to Golden Grove; and how many men went with you?—There were some people come by who said, some of the 6th and some Volunteers had come to Golden Grove. Mr. Cullen told me to go and see if they had come or not. There were several following me, but I cannot say how many; almost the whole detachment.

1436. When you arrived at Golden Grove, did you find that the detachment of the 6th Regiment and Volunteers had arrived there?—I did.

1437. Did any non-commissioned officer beside you go on with the advance guard?—No. I do not know. Several of the men were together; but Serjeant Major Wolstenholme and I were in front.

1438. Did you, on the way to Golden Grove, meet any mounted Volunteers coming to the Post-office?—I did. There were about nine or ten.

1439. What troop of Volunteers did they belong to?—I forget the captain's name now; but they were stationed under him at Golden Grove. They were mounted Volunteers from Kingston.

1440. Was it Captain Astwood's troop?—I do not know him by that name.

1441. During your stay at the Post-office on that Saturday, did you see any one come to the place other than those you saw there when you arrived?—No. I saw people passing by, but saw no one come there; only those that were there when I arrived.

1442. Where did the officer go when you arrived at the Post-office?—I saw him go by the front of the men, and go to the rear. I heard him ask for the rear. Doctor Morris was sick from the time we arrived.

1443. Did you see either of them go into the house or shop, or any part of the building?—Doctor Morris was lying down in the little place next the shop, for he was sick.

1444. Did you see or hear any one speak to Ensign Cullen before you left?—No.

1445. Do you know a man named Anderson, a teacher or schoolmaster?—No.

1446. Do you know a man named Duany, one of the keepers of the Morant Point Lighthouse?—No, I do not know him.

1447. Do you know a woman named Cecilia Robinson, who was a servant of Mr. Manning?—No, I do not.

1448. Where did you leave the officers when you went on with the advance guard?—At the Post-office. Doctor Morris was lying down inside, sick. Mr. Cullen was there, looking after his detachment.

1449. You have said Mr. Cullen gave you the order to go on to Golden Grove; where was he standing or sitting when he did so?—I was leaning on a horse, and he came to me and told me to go on as an advance guard. I was just at the edge of the road, near the body part of the yard, near the shop, at this time.

1450. Do you know if either of the officers got any refreshment at the Post-office?—Not while I was there.

1451. When the serjeant major counted the men, as you say, how did he do it; where were the men?—They were all sitting by the roadside, with their bread and baked meat, which had been baked for them to bring with them. He just counted them.

1452. To whom did you report yourself when you got to Golden Grove?—There was no one for me to report myself to; but soon after Mr. Cullen came up.

1453. How soon after did Mr. Cullen come up?—I cannot say; I did not look at the clock to see the time; but not long after I got there.

1454. How long do you think?—It was not more than three-quarters of an hour, as far as I can recollect. Some of the men were walking, and they could not get on as fast as the others can.

1455. *By Prisoner.*] Was Serjeant Wolstenholme with you on the advance guard from Manchioneal to the Post-office; are you quite sure, or do you only think, that he went on with you, at the same time, to Golden Grove; recollect yourself?—He was on the advance guard with me from Manchioneal, and on the advance guard from the Post-office.

1456. Whereabouts did you meet the eight or nine Volunteers (troopers); was it near the church or the works of Golden Grove; or where?—About 250 yards from the church.

1457. You say the name of the captain of the Volunteer troopers you met was not Captain Astwood; was it Captain Ford?—Yes, Captain Ford.

1458. You say Doctor Morris was lying down sick at the little place next the shop, for he was sick; from what part of the road was he sick?—He was sick from the hill coming down to Amity Hall.

1459. Was he very sick; was he suffering for

from his head, from anything like a sun-stroke?—I cannot say what he was suffering from; but he was ill for a day or two after we got to Golden Grove.

1460. You speak of the post returning back from Manchioneal; were you yourself once employed to carry post letters in St. Thomas-in-the-East?—I did.

1461. How do you come to know George Manning?—I know him because I used to deliver the post from Port Morant to him.

1462. *By Court.*] Who were the people who, as you state, came to say that the soldiers of the 6th Regiment and Volunteers were at Golden Grove?—People who were passing by. They were people living about the estates.

1463. What do you mean by saying that there was no one for you to report to on arrival at Golden Grove, when you have also stated that you found a detachment of the 6th and Volunteers there?—I could not see the officer of the 6th before Mr. Cullen arrived.

1464. Did the detachment arrive with Mr. Cullen?—I do not know. Some part of the detachment did arrive with him, but I do not know if the whole arrived.

1465. Was there a roll called after the arrival of the detachment?—I cannot say. I was in the store, drawing rations for the men.

[The Witness withdraws.

Corporal *W. Hunter.*

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Sixteenth Witness for Defence.

No. 1147. Private FIELDING WOLSTENHOLME, 2/6th Regiment, being duly Sworn, is questioned by the Prisoner.

1466. *By Prisoner.*] WERE you one of the men on the detachment which marched from Manchioneal by the Iron Bridge to Golden Grove on Saturday, 21st October last year, with Ensign Cullen?—I was, I believe, about that date.

1467. Did you halt at the Post-office, Manning's shop, on your march that Saturday, the 21st October 1865, while on that detachment?—Yes.

1468. Did you, while on that detachment at the Post-office, or Iron Bridge, or Grass-piece, or the road about there, on that march, on that Saturday, shoot, or see or hear any three prisoners shot that day by any men of your detachment?—No.

1469. About how many men did you start with from Manchioneal on that detachment on that Saturday. Was there any regular roll-call just before you started?—There were about 30 men, but there was no regular roll-call.

1470. *By Prosecutor.*] At what hour did you arrive at the Post-office?—About 9 a.m.

1471. Did the whole detachment arrive there together?—To the best of my knowledge they did.

1472. Did they leave for Golden Grove together?—Yes, they did.

1473. How long did the detachment remain at the Post-office?—About three hours.

1474. When you speak of the whole detachment, do you mean all the officers, non-commissioned officers, and privates?—I mean the whole, officers included.

1475. Did you have the roll called at the Post-office?—No, they merely numbered off.

It being now 4 p. m., the Court adjourns till 10 a. m. To-morrow, 9th inst.

Private *F. Wolstenholme.*

TWENTY-THIRD DAY, 9th November 1866.

On Friday, the 9th November 1866, at 10 a.m., the Court re-assembles, pursuant to adjournment:—Present, the same Members as yesterday, and proceeds with the Cross-examination of Private WOLSTENHOLME, 2/6th Regiment.

1476. *By Prosecutor.*] WAS the roll called, or were the men numbered off when they got to Golden Grove?—They were numbered off.

1477. What non-commissioned officers accompanied the detachment from Manchioneal?—Corporal Hunter, Corporal O'Connor, Serjeant Stubbs. I am not quite so sure about this serjeant, but I think he was there. I cannot remember the names of any others, if there were any more.

1478. Had any orders or information been received by the officer in command at the Post-office before the detachment left to go to Golden Grove?—Well, I believe two or three artillery officers—they had on a dress something like that—came up, and said to Mr. Cullen something to move on at once, or something like that.

1479. Had any part of the detachment left the Post-office at that time?—I believe Mr. Cullen had sent a section of men under a corporal to Golden Grove to inquire about something.

1480. How, then, did you say yesterday that all the officers, non-commissioned officers, and privates left the Post-office together?—I meant to say there were none left behind the road we came. I thought that was the meaning of the question.

1481. Had you not been asked if the whole detachment arrived together at the Post-office, and did you not answer that they had, to the best of your knowledge?—Yes.

1482. Were you at the Post-office when the persons you called artillery officers came there?—Yes.

1483. Who was in charge of the section that was sent on to Golden Grove?—I think it was Corporal Hunter.

1484. How long had the section gone to Golden Grove before the men you call artillery officers arrived at the Post-office?—About two hours and a half; it might be a little better.

1485. During the time the detachment was at the

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the Post Office, where were the officers?—At the Post-office. Doctor Morris was in a room adjacent to the Post Office, and Mr. Cullen was sometimes in there, and sometimes in the shop.

1486. When you arrived at the Post Office, whom did you see there. Tell as fully as you can; if you do not know the names, describe the persons?—I only took particular notice of one person, the postmaster—Mr. Manning I believe his name is. There were persons, male and female, knocking about, passing up and down, but at the Post Office itself I only saw Mr. Manning.

1487. Did you notice if any persons came to the Post-office while you were there?—I did not, except the two officers that I have already mentioned.

1488. Did you remain at the Post Office all the time the officers remained there; and if so, were you awake all the time?—I was there all the time, and awake all the time.

1489. Did you see any men brought in to the Post Office tied, and said to be prisoners?—No.

1490. *By Prisoner.*] You say artillery officers, you believe; were they artillery officers, or do you think they may have been volunteer troopers. Were they not dressed in buff and blue short jackets?—They might have been, but I did not take particular notice, as I immediately began to fall in the men.

1491. You said that the whole number consisted of about 30: do you intend the Court to understand that these 30 included all the officers, non-commissioned officers, and privates who marched from Manchioneal to the Post Office, and then a section first and the rest afterwards to Golden Grove on that same Saturday?—I mean there were 30 men exclusive of officers.

1492. You say Dr. Morris was in the room at the Post Office; was anything the matter with Dr. Morris?—Yes; he was sick.

1493. What rank did you hold when with this detachment, marching from Manchioneal to Golden Grove?—Company Serjeant Major of No. 7 Company. I was the senior non-commissioned officer present.

1494. As senior non-commissioned officer of the detachment, did you assist in parading it; in looking after its rationing and discipline on the march and in billets?—I did assist in parading the detachment. I also looked after its discipline and billets. Their rations were served out at Manchioneal before marching off. I cannot remember by whom.

1495. What did the rations consist of, and for how many days were they issued?—I am not quite sure; but I think they consisted of salt meat and biscuits; and I believe they were issued for one day only.

1496. Did you individually draw rations for that same day; that is, for yourself?—I did; I think they were salt meat and biscuits.

1497. Was the roll of the detachment called, before it marched from the Post Office to Golden Grove. If so, who called the roll and told it off?—The roll was not called; they were numbered off by myself; they were all present, except the section that was at Golden Grove.

1498. When the detachment left the Post Office for Golden Grove, was an advance guard formed?—I do not remember; but there was an advance guard from Manchioneal to the Post Office.

1499. How is it you can remember as to an advance guard being formed on one part of the march, and not on the other, on the same day?—Because there was an interval of six months, before I heard anything of that march.

1500. Who selected the section which went to Golden Grove under Corporal Hunter; who paraded the party and marched it off?—Mr. Cullen. I was standing at the steps of the Post Office, and they paraded just in front.

1501. How many men were there in that section?—About eight or ten. I can only give the corporal's name of this party.

1502. State the regiment to which the men belonged, of this section?—All of 1st West India Regiment.

1503. State the company to which the men belonged?—I do not know.

1504. Did they, or any of them, belong to your own company, No. 7?—I do not remember.

1505. Was there any other non-commissioned officer with that section?—Not to my knowledge.

1506. When you numbered off the detachment at Golden Grove, on arrival, did you find it all present?—Yes.

1507. When the detachment was numbered off at Golden Grove on arrival, did it include that section?—They were watching us come in, and I believe they fell in on the left afterwards; on the left of the detachment. They were then complete in their numbers, corporal and men. I allude to Corporal Hunter.

1508. Were rations drawn for the detachment at Golden Grove?—I believe they were drawn that night for the following day.

1509. Where were they obtained?—I do not remember.

1510. Who drew the rations at Golden Grove for the detachment?—I do not remember that.

1511. At what hour did the detachment arrive at Golden Grove?—I would say about 1 p.m., or it might be a little before 1.

1512. What arrangements were made for drawing the rations of the detachment?—I do not remember; but I mean this to apply to Golden Grove. At Manchioneal, I think the rations were got from on board ship; but I know very little about the arrangements, as I had little to do with it, beyond seeing that the men got their rations.

1513. How long had the section which left the Post Office for Golden Grove, been at the Post Office before it marched?—I should say about a quarter of an hour.

1514. At what hour did the artillery officers, or volunteers, as you say they may have been, arrive at the Post Office?—I would say about 12 noon.

1515. Did any men who had not fallen in with the detachment, which left Manchioneal in company with you, follow and join the detachment either at the Post Office, or afterwards at Golden Grove?—Not to my knowledge.

1516. Did all your detachment leave Manchioneal mounted; did they keep together during the march, and did the whole arrive together mounted at the Post Office?—I do not remember whether all were mounted on leaving Manchioneal. They kept together during the march. The whole arrived together at the Post Office, but as to being mounted, I cannot say.

1517. Whereabouts did you march, as regards the column, on the road from Manchioneal to the Post Office?—With the advance guard. Corporal Hunter was also with the advance guard.

1518. Whereabouts

1518. Whereabouts did you march, as regards the column, between the Post Office and Golden Grove?—I believe I marched with the remainder of the detachment; but I cannot say whether I was leading or on the reverse flank.

1519. Did the two volunteers accompany the detachment under Ensign Cullen, from the Post Office to Golden Grove?—I cannot say whether they did not go before us or not.

1520. Do you remember how the detachment broke off at the Post Office; how the arms were disposed of, piled or left in the care of the men individually?—I believe the men were regularly dismissed; and I think the arms were piled outside the Post Office, just in front of the door.

1521. Were the men allowed to go to any distance during the halt?—They were not.

1522. How far from the main body was the advance guard, when on the march, from Machioneal to the Post Office?—I should say about 30 yards.

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1523. Did the whole detachment belong to the 1st West India Regiment?—They did.

1524. Do you know the reason why the section under Corporal Hunter was sent such a long time in advance of the main body from the Post Office to Golden Grove?—I do not know the reason, exactly. I am not quite sure; I did not particularly notice the words; but Mr. Cullen told Corporal Hunter something to the effect that if Mr. Adcock's party was at Golden Grove, he (Corporal Hunter) need not return.

[The Witness withdraws.

Seventeenth Witness for Defence.

No. 740. Private GEORGE LESLIE, 1st West India Regiment, being duly Sworn, is questioned by the Prisoner.

Private *G. Leslie.*

1525. *By Prisoner.*] WERE you one of the detachment which marched with Ensign Cullen and Dr. Morris from Manchioneal on by the Iron Bridge to the Post Office, and afterwards to Golden Grove, on the same day, Saturday, 21st October, last year?—Yes, I was along with him.

1526. Did you halt on that march at the Post Office at Manning's shop, that same day on which you marched with Ensign Cullen and Dr. Morris from Manchioneal to Golden Grove?—Yes.

1527. Did you, at or near the Iron Bridge, Grass piece, or Post Office, or that road about there, yourself shoot, or see or hear shot, by soldiers of the detachment, any three prisoners on that same Saturday, when you were on that march under Ensign Cullen; did you see any three prisoners brought there that same day by constables or book-keeper?—No, I have not shoot a man; nor did I hear or see any shot. I saw no prisoners that day.

1528. *By Prosecutor.*] What time of day did you arrive at the Post Office on 21st October 1865?—At 9 a. m.

1529. How long did the detachment remain at the Post Office on that day?—We started from there at 3 p. m.

1530. Did you go to sleep, or did you bathe, or what did you do with yourself all the time?—I did go to the river and bathed; the river is only a few paces off the yard. I did not go to sleep, to my recollection.

1531. How long were you away while bathing; and could you see or be seen from the yard?—I was not long in the river. Where I was I could see the yard; and a person there could see me.

1532. Did you all go to Golden Grove together; that is, all the officers, non-commissioned officers, and privates of the detachment, from the Post Office?—Yes, we marched off, just as we marched off from Manchioneal.

1533. Name the non-commissioned officers who marched off from the Post Office with the men and officers?—I can only recollect the names of the Serjeant Major, Wolstenholme; and of Corporal Hunter, Corporal O'Connor, who is now a serjeant.

1534. All these, you say, went together from the Post Office to Golden Grove; you are quite certain, are you?—They all went together, I am certain.

1535. Did all the privates go with them?—Yes.

1536. You are certain that none were left behind?—Yes.

1537. And that none straggled or strayed away or went away before the others?—I did not see any.

1538. Whom did you see at the Post Office, when you arrived there; tell all the names, and describe those whose names you do not know?—I only know the man at the Post Office, and I do not know his name. I did not see anybody else, to my recollection.

1539. Did you see anybody come to the Post Office while you remained there?—I saw the man who was carrying the mail for the post.

1540. *By Prisoner.*] You were asked, on cross-examination, about detachment; when were you enlisted; do you understand the meaning of military terms; were you not a recruit only in June last year?—I was enlisted in August 1865; somewhere about the 12th: I do know some military terms.

1541. You say you marched off from the Post Office to Golden Grove, the same as you marched from Manchioneal; was not a section of the men sent on first under Corporal Hunter?—Not to my knowing.

1542. How long did you remain at the river; may not Corporal Hunter have been sent on by Ensign Cullen without your knowledge, and while you were at the river?—I was not long at the river: when I came back from the river I saw him.

1543. Did you go with what is called the advance guard from the Post Office to Golden Grove, or did you go with the main body of the detachment from the Post Office to Golden Grove?—I marched off with the commanding officer.

1544. You say you are certain that Serjeant Major Wolstenholme and Corporal Hunter all went together from the Post Office; did they all go together at the same time; was not a section sent on first by Ensign Cullen; recollect yourself?—They all went at the same time. I have no knowledge of a section being sent on.

1545. Did not the commanding officer march with the main body from the Post Office to Golden Grove?—Yes, he marched with the men into Golden Grove.

1546. You say you went to the river to bathe;

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from the place where you bathed, could you not have heard volleys of guns, if they had been fired, near the Iron Bridge?—Yes.

1547. How many paces is the bed of the river, where you bathed, from the Post Office; show what you think is the distance?—From the yard into the water, is not more than 24 paces; it runs in the yard, in a manner.

1548. *By Court.*] Did you see Corporal Hunter, during the march from Manchioneal to the Post Office; whereabouts was he?—I saw him; he was marching in front.

1549. Did you see him on the line of march from the Post Office to Golden Grove?—I saw him in front of the men.

[The Witness withdraws.

Eighteenth Witness for Defence.

No. 693. Corporal ALLEN MADDIX, 1st West India Regiment, being duly Sworn, is questioned by the Prisoner.

Corporal *A. Maddix.*

1550. *By Prisoner.*] DID you march from Manchioneal to Golden Grove, by the Iron Bridge, and past the Post Office on to Golden Grove, on Saturday, 21st October last year, and did you halt at the Post Office?—I did march on that date, and halted at the Iron Bridge Post Office.

1551. What rank did you hold at the time when you marched with Ensign Cullen from Manchioneal, on to Golden Grove?—I was a lance corporal at the time.

1552. When you got to the Post Office was a section of your detachment sent on to Golden Grove by Ensign Cullen, and under whose command?—There was a section sent on under Corporal Hunter's command, after we had been there about 10 minutes.

1553. About what time did you arrive at the Post Office that same Saturday, with Ensign Cullen, and about what time did the main body leave the Post Office that same day under Ensign Cullen; how many hours do you think you remained there?—We got there about 9 a.m., and the main body left about 12 noon; but I am not certain about the time.

1554. While halting at the Post Office on that road, did you shoot, or see or hear any three prisoners shot, by soldiers of your detachment, on that same Saturday, near the Iron Bridge, or grass piece, opposite Manning's shop?—I did not.

1555. Did you see any three prisoners brought to the Post Office that same Saturday, by constables and a book-keeper, and tied anywhere near the Post Office?—I did not.

1556. *By Prosecutor.*] How many officers, non-commissioned officers, and men formed the detachment from Manchioneal to Golden Grove?—There were two officers; I am not certain about the non-commissioned officers; but non-commissioned officers and men, about 25.

1557. Did all the officers, non-commissioned officers and men arrive at the Post Office together from Manchioneal?—Yes; they did.

1558. Whom did you see when you arrived at the Post Office?—I saw a brown man there, who was said to be the Postmaster.

1559. What did you yourself do while you were at the Post Office; did you remain at that place the whole of that time; if so, were you awake all the time?—I was awake the whole time; I was there the whole time; I was waiting on Dr. Morris, for he was sick.

1560. Did you see no other person than the brown man there, when you arrived, and did you see no one come there while you remained?—Beside the brown man, I saw another man serving in the shop; I did not see any one come there; the other man I saw there, was about the same colour as the Postmaster.

1561. Did you see anything given to Dr. Morris, by way of refreshment?—I did not; nothing to drink, only some Florida water to wet his head with.

1562. Did you speak to either of these men, or did you hear their names; I mean the Postmaster and the other man you saw in the shop?—I spoke to neither of them; I heard the Postmaster's name was Manning, but I do not know whether that is his right name. I do not know the other man's name.

1563. Are you sure that you saw no person at all come to the Post Office while you were there, either to the Postmaster, the other man, or either of the officers?—I did not.

1564. *By Prisoner.*] You are asked whether you saw any other man come there; by man do you mean civilian or not?—

The Prosecutor inquires whether the question is framed in exact accordance with that used in cross-examination; and the prisoner, on being informed that the word used was "person," not "man," requests that his question may be amended accordingly.

To the question thus amended, the Witness replies:—

A.] They may have come there, but none did to my knowledge. By "person," I mean "any one."

1565. You say you were waiting on Dr. Morris, who was sick; what was the matter with him?—I do not know what was the matter with him, but he was complaining of fever and headache.

1566. *By Court.*] How was the detachment armed?—With rifles and bayonets.

1567. Were your rifles loaded when you left Manchioneal?—Mine was not; I cannot say for the others.

1568. What did you do with your arms during the halt at the Post Office?—Every man had his own arms when he fell out; but we were not allowed to go out of sight of the Post Office.

1569. Can you state whether any men, who did not parade with your detachment at Manchioneal, followed after your party, and joined you either at the Post Office, or afterwards at Golden Grove?—I cannot say.

[The Witness withdraws.

It being now 4 p.m. the Court adjourns till 10 a.m. to-morrow, 10th inst.

Twenty-fourth Day, 10th November 1866.

On Saturday, the 10th November 1866, at 10 a.m., the Court re-assembles, pursuant to adjournment:—Present the same Members as yesterday, but owing to the non-attendance of any witnesses for the defence, the proceedings of the Court were delayed for half-an-hour.

Nineteenth Witness for Defence.

No. 285. Private Morris Gordon, 1st West India Regiment, being duly Sworn, is questioned by the Prisoner.

Private *M. Gordon.*

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1570. *By Prisoner.*] Were you one of the men on the same march with Ensign Cullen and Doctor Morris and others, from Manchioneal past the Iron Bridge to the Post Office, and then on to Golden Grove in October last year?—Yes; I was.

1571. When you arrived at the Post Office, were some men, a section of the detachment, sent on, and under whose command?—Yes; a section was sent, to make preparation for the troops, under command of Corporal William Hunter.

1572. While you were on that same march, Saturday, 21st October last year, did you shoot, or see or hear three prisoners shot, that same day?—No.

1573. *By Prosecutor.*] At what hour of the day did the detachment arrive at the Post Office? About 9 a.m.

1574. How long did it remain there?—About three hours.

1575. Did you see anybody at the Post Office when you arrived there?—I saw no one but the Postmaster, Mr. Manning.

1576. Did you see anybody come there while you remained there; anybody at all?—No.

1577. Are you sure you saw nobody at all come to the Post Office during all the time you were there, and until you went away?—No, I saw nobody.

1578. And are you equally sure that you saw nobody there when you arrived, except Mr. Manning; no one at all; no servants?—No one but Mr. Manning.

1579. Who went with Corporal Hunter to Golden Grove; how many officers, non-commissioned officers and privates?—No officers went along with him, I do not know how many of the others went.

1580. How long after the detachment arrived at the Post Office was it, when Corporal Hunter went away?—About 10 minutes.

1581. You say the detachment remained at the Post Office three hours; what did you do with yourself all that time; did you sleep?—No, I did not sleep; I was refreshing myself.

1582. What did you do with your rifle during the time you were at the Post Office?—Slung it across my body, for the whole three hours I was there.

1583. Where was Mr. Cullen during the time the detachment was at the Post Office; what part of the building or the grounds (yard or road)?—He was in the Post Office; Mr. Manning has a private little room where he was refreshing himself; he meaning Ensign Cullen.

1584. Did the whole detachment arrive at the Post Office from Manchioneal together?—Yes; they did.

1585. Was the roll called, or were the men counted after you arrived at the Post Office?—Yes; the roll was called; the men's names were called; and they were counted.

1586. Who called the names out?—Company Serjeant Major Wolstenholme, who is now a private in the 2nd Battalion of the 6th regiment.

1587. Did you answer to your name, and was the roll called before Corporal Hunter went away?—I answered to my name, and the roll was called before Corporal Hunter and a section of men went to Golden Grove.

1588. Did you have any conversation or speak at all to Mr. Manning; did you buy anything at the shop?—I had no conversation with him. I bought things and paid for them.

1589. Who served you with what you bought; what did you buy?—Mr. Manning himself served me. I bought some biscuit, cheese, and a bottle of porter.

1590. Did you see anybody at all in uniform of any sort, or otherwise, come to Mr. Cullen or deliver any message to him while he was at the Post Office?—I saw nobody; I was paying attention to myself and minding my duty as a soldier.

1591. When you arrived at Golden Grove, where did you first see Corporal Hunter; what was he doing?—He was making preparations for the troops, and the book-keeper was giving him provisions for the troops.

1592. Did you meet anybody on your march from the Post Office to Golden Grove?—See nobody.

1593. *By Prisoner.*] You say that at the Post Office, the roll was called, and the names were called, and they were counted. About how many altogether, do you think, was found to be the number of men then present?—I do not recollect.

1594. *By Court.*] Do you remember the names of any of the men sent with Corporal Hunter's section to Golden Grove?—No, I do not.

[The Witness withdraws.

Twentieth Witness for Defence.

No. 730. Private GEORGE CHRISTOPHER BLYTHE, 1st West India Regiment, being duly Sworn, is questioned by the Prisoner.

Private *G. C. Blythe.*
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1595. *By Prisoner.*] HAVE you as an invalid just come from hospital?—Yes.

1596. Were you one of the men on the detachment which marched with Ensign Cullen and Doctor Morris and others from Manchioneal to the Post Office, and afterwards on to Golden Grove, last year on a Saturday, the 21st October 1865?—Yes.

1597. When your detachment arrived at the Post Office, do you remember if some of them (a section) were sent on to Golden Grove to Captain Adcock; and under which non-commissioned officer?—A few went on before under Corporal Hunter.

1598. While you were on the march that same day with Ensign Cullen, at or near the Post Office, or Iron Bridge, or grass piece, did you shoot, or see or hear shot, three prisoners (by any of that detachment) that same Saturday?—No.

1599. *By Prosecutor.*] About how many men formed the detachment which left Manchioneal?—I do not remember.

1600. Did all arrive together at the Post Office?—Yes; all arrived together.

1601. When you arrived at the Post Office, was the roll called; that is, were the names of the men called out?—No; they numbered off.

1602. Whom did you see when you arrived at the Post Office; mention everybody, both male and female?—I saw two persons, Mr. Manning and a man like himself; brown man, like himself.

1603. Did you see anybody at all, man or woman, in uniform or plain clothes, come to the Post Office while you were there?—No; I did not see anyone come while I was there; they might have come, but I did not see them.

1604. What were you doing all the time you were at the Post Office; did you go to sleep, or to bathe; and where did you sit or stand?—I was everywhere about; I was sitting one time under the cotton tree, and then I get up; I was not sleeping, and I did not bathe.

1605. Are you quite certain that when you arrived at the Post Office, you saw nobody but Mr. Manning and the one other brown man, and that all the time you remained there, you saw no one else, nobody at all?—I only see Mr. Manning and the brown man; there might have been some come while I was there, but I did not see them, only Mr. Manning and the other brown man.

1606. Did you see any prisoners brought in to the Post Office, or any black men in custody or charge of others?—No.

1607. How long did the soldiers stay at the Post Office; state as near as you can the hour at which the detachment arrived, and that at which it left?—I have no timepiece, but judging the time, about three hours. It arrived about nine a.m., and I judge that they left about three hours after that.

1608. Did you hear any report of guns while you were at the Post Office?—No.

1609. How long after the detachment arrived at the Post Office did the few men go on with Corporal Hunter to Golden Grove?—About 10 minutes.

1610. Did you meet anybody at all on the march from the Post Office to Golden Grove?—That I do not remember.

1611. *By Court.*] Do you remember the names of any of the men who went on with Corporal Hunter from the Post Office to Golden Grove?—No; because I did not recognise the men distinct.

[The Witness withdraws.

Twenty-first Witness for Defence.

WILSON OSWALD LOFTHOUSE, Musical Instrument Seller, Kingston, being duly Sworn, is questioned by the Prisoner.

W. O. Lofthouse.

1612. *By Prisoner.*] WERE you on the troop of Captain Adcock or Captain Astwood on the march of mounted troopers from Golden Grove towards the Post Office, near the Iron Bridge, on Sunday, the 22nd October last year, with Lieutenant Brass?—I was; I rode with Lieutenant Brass; I rode on the right file; there were two troopers before us, about 100 yards, troopers Brandon and Berry.

1613. Do you remember whether on the Sunday morning, before you went over the Iron Bridge towards Amity Hall, you, with Lieutenant Brass, mistook the road, and went by some logwood fence and bamboos, straight on instead of going over the Iron Bridge at first?—I recollect it perfectly well; Captain Adcock, I think, discovered the mistake.

1614. Did any one call you back from that road because you had taken the road straight on instead of turning to the left over the bridge towards Amity Hall?—We were ordered to halt, and a trooper, or Mr. Harrison, I forget which, was sent on to call back the advance guard troopers, Berry and Brandon; I think it is understood that we had gone on the wrong road some distance.

1615. Did you on that road, as you went with Lieutenant Brass, see any crows in the grass-piece on that lower road which you mistook, or smell any dead bodies?—I neither saw any crows nor smelt anything offensive or bad.

1616. On the road which you that Sunday morning mistook, did you, as far as you went, and as far as you could see forwards on that road, take notice of any three dead bodies lying on the road, or tied up against any fence or rail about that road?—I did not see any at all.

1617. About what time did you leave Golden Grove that Sunday morning, and about what time did you arrive near the Iron Bridge, on the road towards Amity Hall?—I think we left Golden Grove between seven and eight a.m., and I should

I should think we had been riding about 20 minutes or half-an-hour; I cannot be positive about the time before we were halted, because we had mistaken the road.

1618. About how far down that wrong road did you go before you turned back to go the right road towards Amity Hall?—I cannot say how far, but a considerable distance; I cannot say about how many yards, because the place was strange to me; I had never been in the district before.

1619. Did you on that Sunday morning see or hear any eight or nine people with shovels and hoes on that wrong road, or near it, or on the right road over towards Amity Hall, across the Iron Bridge?—No; I do not recollect seeing anybody at all.

1620. If you can give any idea, show the distance you believe you went on the wrong road before you were halted?—I can give no idea of the distance; the place was strange to me, and I did not take notice riding along.

1621. Were you ordered to keep a sharp look out along your route that Sunday morning?—I do not recollect receiving any particular orders to that effect. If I had seen anything suspicious, I should have called the attention of the lieutenant to it, who was riding alongside of me.

1622. *By Prosecutor.*] How many of you left Golden Grove together on the Sunday morning?—I do not recollect the number; the whole of those at Golden Grove went, except, to the best of my knowledge, the black soldiers. Ford's Volunteers were with us; but I do not know how many of us we were; I should say there were about 20 of our troop; that is Captain Astwood's; had I ridden behind instead of in front I should have better seen how many were there.

1623, Did you ride together, or how; that is the troop from Golden Grove to the Post Office?—We rode two and two together.

1624. Did the whole troop ride in that way, all within sight of each other; you and Lieutenant Brass included?—Well, I cannot say whether those behind me straggled or not; all that I can answer for are the two men behind me; I generally kept my eye on the right side; these two behind were generally pretty close to me, a horse's length or so. I knew they were there, because they occasionally spoke to me, and asked questions.

1625. Could you hear the others of the troop behind you?—Yes; I know they kept pretty well together, because you could hear the tramp of the horses; but I mean this for the bulk of the troop; I cannot say for those in the very rear.

1626. Did you turn back with Lieutenant Brass into the right road?—Yes.

1527. *By Prisoner.*] You have spoken of about 20 volunteers being on that march on that Sunday morning; do you know if soldiers of the 6th Regiment were also there?—There were about a dozen of the 6th Royals, besides Ford's Volunteers; they came from Morant Bay with us, and the men of the 6th Regiment went with us wherever we went.

W. O. Lofthouse.

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1628. Do you know whether Mr. Allen, of whom you spoke just now as one of the troop on the same Sunday morning, is now in this island or in England?—I cannot say whether he is in England, but he is not in the island; he left it some time ago.

1629. *By Court.*] On that Sunday morning, of which you have been speaking, do you mean to say that Troopers Berry and Brandon were 100 yards in advance of you, and that they took the wrong road as well as yourself, or had they crossed the Iron Bridge before you arrived there?—They took the wrong road, and we followed them.

1630. What bounded the road you took by mistake, on both sides, as far as you went or could see?—I cannot say; I know that on my side, the right, the road was not an open space; that there was a fence of some sort; but more than that I cannot say.

1631. Did you pass the Post Office before you took the wrong road?—We must have got on the wrong road before we come to the Post Office; I say that, from what I now know, as at the time I did not notice the Post Office at all.

1632. When did you arrive at Golden Grove on Saturday 21st October 1865?—It was in the afternoon; I cannot state distinctly about the hour.

1633. Did you find any other troops there on your arrival?—No, there was no body of troops; I remember the black soldiers coming in after we had arrived.

1634. Could there have been any soldiers there without your seeing them?—There might have been, as there was the overseer's quarters; behind that the book-keeper's barracks, and the hospital on one side.

1635. Is there any road at all by which you can possibly turn wrong between the Golden Grove-road and the Post Office, to your recollection, till you have come near up to the Iron Bridge?—As I have said before, the place was strange to me; I do not know the district.

1636. Is the road which you wrongly took the same road on which Mr. Harrison, or a trooper, was sent to call back the advance guard?—It must have been, because I could see the advance guard halted in front of me.

[The Witness withdraws.

The Court adjourns at 2.20 p.m. till 10 a.m., Monday, 12th instant.

Twenty-fifth Day, 12th November 1866.

On Monday, the 12th November 1866, at 10 a.m., the Court re-assembles pursuant to adjournment: Present, the same Members as on Saturday, 10th instant.

The Prisoner, Ensign Cullen, 1st West India Regiment, not being present, his absence is accounted for by—

J. P. Street, M.D. — 12 Nov. 1866.

Staff Surgeon J. P. Street, M.D., who, being duly sworn, informs the Court that he has been in medical attendance on Ensign Cullen, yesterday, and again this morning; that he is suffering from fever, which renders it unadvisable that he should quit his room; that danger might result from his doing so, and that he had therefore placed him on the sick list. Witness adds that, in cases of fever, it is impossible to state any definite period as to when recovery will take place; but he considers that it would be both imprudent and unadvisable that Ensign Cullen should attempt to attend the Court for the next two or three days.

[The Witness withdraws.

The Court is cleared for deliberation.

The Court is re-opened, and it is announced that, in consequence of the prisoner's illness, the Court adjourns till 10 a.m., Thursday, 15th instant.

Twenty-sixth Day, 15th November 1866.

On Thursday, the 15th November 1866, at 10 a.m., the Court re-assembles pursuant to adjournment; Present, the same Members as on Monday, 12th instant.

15 Nov. 1866.

The Prisoner, Ensign Cullen, 1st West India Regiment, being still absent, the Deputy Judge Advocate hands in a medical certificate, signed by Staff Surgeons Woodman and Dunlop, which stated that Ensign Cullen was still suffering from fever, and that his attendance before the Court might be followed by dangerous results.

This certificate further stated that, in the opinion of the medical officers, Ensign Cullen would not be able to attend the Court, with safety, before Monday, 19th November 1866.

The certificate is read in Court, marked (K.), signed by the President, and attached to the proceedings.

Under these circumstances, the Court adjourns till 10 a.m., Monday, 19th instant.

Twenty-seventh Day, 19th November 1866.

On Monday, the 19th November 1866, at 10 a.m., the Court re-assembles pursuant to adjournment: Present, the same Members as on 15th instant; and proceeds with the Defence.

Twenty-second Witness for Defence.

William Hosack, Custos of the Parish of St. George's, residing at Montpellier, being duly sworn, is questioned by the Prisoner.

W. Hosack. — 19 Nov. 1866.

1637. *By Prisoner.*] Do you know Samuel Bryan, who is now under Mr. Sinclair in St. Thomas-in-the-East, and was he at one time in your employment?—He was at one time employed at Llanrumney Estate, which belongs to me, under Mr. Sinclair, the overseer. He was head man. I presume he is the man alluded to by that name of Samuel Bryan, a yellow-skinned negro, or Sambo.

1638. Can you give the Court your evidence as to the general character of Samuel Bryan; is it good or bad?—Bad, in my opinion; he bears a bad character on the estate among the negroes.

1639. *By Prosecutor.*] Who is the Mr. Sinclair under whom Bryan served at Llanrumney Estate; is he the same Mr. Sinclair who is now overseer at Duckenfield?—I believe so.

1640. *By Court.*] When was Samuel Bryan in your employment, and for how long?—Last time I saw him was in April 1865; and I believe he remained in my employment till the following July; about the time Mr. Sinclair himself left. He had been in my service for some time, but without reference to documents I could not give the time.

[The Witness withdraws.

Twenty-third Witness for Defence.

Captain W. J. Ross, 1st West India Regiment, being duly sworn, is questioned by the Prisoner.

Captain *W. J. Ross.*

19 Nov. 1866.

1641. *By Prisoner.*] WHERE were you stationed in St. Thomas-in-the-East during martial law?—At Morant Bay and Port Antonio.

1642. Have you any roll of the men who were likely to have been on the detachment under Ensign Cullen, on a march from Manchioneal by the Iron Bridge to Golden Grove?—Of my own knowledge I could not say who the men were likely to have been, I not having been present myself.

1643. Can you tell the Court what has become of most of the men believed to have been on that detachment?—The greater number have gone to Africa.

1644. Was any application made to your knowledge by Ensign Cullen or Dr. Morris, when the men who have gone to Africa were supposed to be going away, in order that they might give evidence on the inquiry mentioned in the English papers?—Doctor Morris' letter was addressed to me, requesting that I would cause certain men to be detained as evidence on the forthcoming inquiry.

1645. Can you tell whether the men of the detachment which marched under Ensign Cullen were all taken from one company, or from parts of several companies?—They were taken from parts of four companies.

1646. Did frequent changes take place in those detachments in St. Thomas-in-the-East?—Not to my knowledge.

1647. Are you aware whether or not two men believed to be on that detachment under Ensign Cullen, were reduced at Manchioneal, for being absent?—I am aware that two non-commissioned officers of the 1st West India Regiment were reduced for absence without leave, belonging to the Manchioneal detachment.

1648. When did Ensign Cullen join his regiment in this island?—About the month of June 1865.

1649. Since you have known Ensign Cullen, what has been his character and conduct as an officer and a gentleman; is he a humane man, or not?—His character and conduct have been most exemplary; he is a humane man.

1650. *By Prosecutor.*] If you could not tell of your own knowledge what men were on the detachment under Ensign Cullen, how can you tell of your own knowledge that the greater number of the men who were on the detachment have gone to Africa?—I had occasion to pay the detachment at Manchioneal during the rebellion, in October 1865, and I therefore know the names of all the men of the four companies, and I know that they are either out of the island, or here in Kingston.

[The Witness withdraws.

Twenty-fourth Witness for Defence.

No. 932, Lance Corporal JOSEPH BEDFORD, 2nd Battalion 6th Regiment, being duly sworn, is questioned by the Prisoner.

J. Bedford.

1651. *By Prisoner.*] WERE you at Golden Grove, in October last year, with Lieutenant Adcock, during martial law?—Yes.

1652. Were you on the detatchment with Lieutenant Adcock, and Captain Astwood, and others, on the march, on Sunday, 22nd October last year, from Golden Grove, past the Post Office, towards the Iron Bridge, and afterwards on towards Amity Hall Estate, in St. Thomas'-in-the-East?—Yes.

1653. Did you see or speak to any person at the Post Office that same Sunday morning?—I saw a person, and I borrowed a saddle from the man at the Post Office.

1654. Did you, after you past the Post Office, at first go over the Iron Bridge, or did you go at first straight on the main road towards Holland Bay?—I went straight on the road towards Holland Bay at first.

1655. About how far did you go on that wrong road towards Holland Bay, from the Iron Bridge?—Between 200 and 300 yards.

1656. Did you see, or hear of, any three dead bodies while you were, on that Sunday morning, on the main road by the Post Office, or on the wrong road that you at first took towards Holland Bay?—No.

1657. Did any other soldiers go the wrong road with you that same Sunday morning?—Yes.

1658. About how far on the road over the Iron Bridge had the main body gone, when you turned back from the Holland Bay-road and saw the troop that Sunday morning?—They had nearly got to the first village; I do not know the name of the village.

1659. Did you see if any house at that village had been, or was about to be, set fire to when you rejoined the main body?—Yes; they were setting fire to it when we got up to them.

1660. Were you censured by Lieutenant Adcock when you rejoined the main body, for straggling, that Sunday morning?—Yes.

1661. *By Prosecutor.*] At what hour of the day did you leave Golden Grove Estate?—I cannot tell the hour, but it was an early hour.

1662. Did you leave alone, or with whom?—I left with the mounted volunteers, the Kingston volunteers, and some foot volunteers.

1663. At what hour of the day did you get to the Post Office?—Betwixt the hours of 8 and 9 a.m.

1664. Were you walking, or riding, when you left Golden Grove Estate?—Riding.

1665. Who was with you when you arrived at the Post Office?—The whole of the volunteers, and eight of our own men, the 6th Regiment, including myself in the eight.

1666. Were you told, or did you know, before you left Golden Grove Estate, the place you were to go to, or the road you were to take; did you hear of the Iron Bridge?—I heard Cap-

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tain Astwood say they were going to the Iron Bridge and the Duckenfield Estate.

1667. Was there an advance guard when you you left Golden Grove Estate, and did it keep in advance until you reached the Post Office?—There was an advance guard, and it kept in front until we got to the Post Office.

1668. Were you with, or how far behind, the advance guard; could you see or hear it all the way?—I was; it might be 200 yards behind, or perhaps more. We could not hear it, but we could see it sometimes, and sometimes we could not.

1669. Were you then with the main body?—Some part of the time.

1670. Where was the main body when you were not with it?—A little in front of us.

1671. Did you overtake the main body before you got to the Post Office, or was it still a little in front of you when you arrived there?—We were with the main body when they arrived at the Post Office.

1672. What officers were with the main body?—Lieutenant Adcock; there was no other military officer but a volunteer officer; Captain Astwood was there.

1673. Did you stay for any time at all at the Post Office?—A few minutes, while I changed saddles.

1674. Was that when you borrowed the saddle of the man at the Post Office?—Yes.

1675. Did the main body remain the few minutes, or did they go on, and you follow?—They remained there a few minutes, and we remained a few minutes.

1676. Then did you all go off together?—No.

1677. Who went first?—We went first, that is, the two men who were with me all along.

1678. Did you see the Iron Bridge when you got to the Post Office?—Yes.

1679. Had anybody taken a wrong road before you did, and had they returned into the right road?—I cannot say.

1680. Did you take the wrong road before you got to the Post Office, or after you passed the Post Office?—After we passed the Post Office.

1681. You have said that you heard, before you left Golden Grove, that you were to go to the Iron Bridge, and that you saw the Bridge when you arrived at the Post Office; you have also said that you left before the main body, why then did you not go to the bridge, or why did you not ask about the road you were to take?—We had a race down that road, that is, the three of us, Private Barnes and Cox. We thought to be back before the party started, but when we got back they had gone.

1682. Then you did not, as you have said, take a wrong road, but you, for your own amusement, and while your commanding officer was present, raced down the road which you say leads to Holland Bay?—Yes.

[The Witness withdraws.

Twenty-fifth Witness for Defence.

JOHN ROBSON WATSON, Sub-Collector of Customs at Port Antonio, being duly sworn, is questioned by the Prisoner.

J.R. Watson.

1683. *By Prisoner.*] WERE you on the march with Captain Adcock, of the 6th Regiment, from Golden Grove, past the Post Office, by the Iron Bridge, and then on afterwards to Amity Hall Estate, on Sunday, 22nd October, last year?—I was.

1684. What rank did you hold in the force on that Sunday morning; were you in front, or the rear, and with whom?—I was a private in the Kingston Volunteer Troop, under Captain Astwood, the right-hand man of the leading files, with Trooper Allen.

1685. Have you seen, this morning, in these barracks, some soldiers of the 6th Regiment, who were here this morning to give evidence; if so, did you recognise them as men who were with Captain Adcock's troop, on the morning of the Sunday that you also were with it, near the Post Office by the Iron Bridge?—I recognised some men of the 6th Royals here this morning; to the best of my recollection, they were in the column that morning.

1686. Have you recently been on the Holland Bay-road, near the Iron Bridge, and the bamboo rail on that road?—Yes, I was there on Thursday morning last.

1687. On that same Sunday morning did you first go over the Iron Bridge, or where else did you first go?—We first went down the Holland Bay-road.

1688. About how far did you go on this wrong road towards Holland Bay?—I should say fully 250 yards, reckoning from abreast of the Iron Bridge.

1689. Did you, on that Sunday morning, on the main road, near the Iron Bridge, or on the wrong road which you took towards Holland Bay, see or hear of any three dead bodies?—I did not.

1690. At the time when you rode by the Holland Bay-road on the Sunday morning, and when you last went there, did you take notice of a bamboo fence in the logwood hedge on that Holland Bay-road?—I did, on both occasions.

1691. Were there, on that Sunday morning when you rode by, any dead bodies, near to, or tied to, or lying by that bamboo rail fence in the logwood hedge?—There were not.

1692. About what time on that Sunday morning must you have been at the bamboo rail fence?—About 7 a.m.; it might have been a quarter to, or a quarter after, but about 7.

1693. Are you the son of the Rev. James Watson, a Presbyterian minister in Kingston?—I am.

1694. About what distance is the bamboo rail from a point abreast the Iron Bridge, on the Golden Grove side of the river?—About 150 to 200 yards, I should say.

1695. Did you on that Sunday morning see any persons digging graves near by that bamboo rail on the Holland Bay-road, or did you meet any persons with shovels and hoes, or did you see any crows, or smell any dead bodies, about this bamboo rail?—I met nobody there that morning with shovels, nor did I see any crows, nor smell any dead bodies.

1696. Can you, by personal examination when you

you were last on this road, tell the Court whether or not a person standing nearly opposite the Golden Grove end of the Iron Bridge, can see the bamboo rail fence in the logwood hedge, on the road leading to Holland Bay?—From personal observation I can say it is impossible, when standing at the abutment of the bridge on the Golden Grove side.

1697. *By Prosecutor.*] With whom do you say you rode from Golden Grove to the Post Office; state all in whose company you went?—With a detachment of the Kingston Volunteer Troop, to which I was attached; with a detachment of the 6th Royals, stationed at Newcastle; with a company of Irregular Volunteers, under the command of Captain Ford.

1698. Did you all arrive at the Post Office together?—We did.

1699. Was there any advanced guard?—Not properly any advanced guard; there were two troopers riding in front, about 20 or 30 yards in front.

1700. Who were they?—From evidence taken before this Court, I know; but of my own personal knowledge I do not.

1701. Do you happen to know if they took the wrong road?—I do not know.

1702. Had you heard, before leaving Golden Grove, what course your were to take from the time of leaving until your return?—I had heard, on leaving Golden Grove, we were to go in the direction of the Iron Bridge, but I had heard no more of the route.

1703. Did you alone take the wrong road, that is, were you alone, when, as you say, you took it?—I was not alone. I was accompanied by the left-hand man of the leading file, as also by the two next succeeding files.

1704. Do you know the names of any of these men; if so, state them?—Trooper Allen was riding on my left. Ensign Brass was riding beside me, as an officer attached to our company. I do not know the names of any of the others.

I beg to amend this reply, by adding that Trooper Lofthouse was riding in front of the leading files; he was acting as bugler to the whole column. *J. R. Watson.* 19. Nov. 1866.

1705. Did you all return into the right road together?—We did not. Those of us who had gone a good way down the Holland Bay-road, on being ordered back to the bridge, found that the column was in the act of passing over the bridge, and were ordered to remain there till it had got over. We were then ordered to retake our places in the front.

1706. Did you then return from the wrong road by order, and by whom was it given?—Mr. Harrison of Hordley Estate came down with orders from Lieutenant Adcock, telling us that we were to rejoin the column.

1707. Did you all obey the order together and return together?—We did not; the first and second files had got separated a little, and as the latter first received the order, they turned and went back a little before us; it was almost coming back together.

1708. Who was in front when the order to return was given?—Trooper Allen and myself.

1709. Were the other two close behind?—Pretty close.

The President directs the Court to be cleared for deliberation.

The Court is re-opened, and the Witness questioned.

1710. *By Court.*] Were you still going along the Holland Bay-road when Mr. Harrison brought you the order; and how close did he come to you?—We were still going along the Holland Bay-road. As far as I can recollect, he came close to us.

1711. Did Ensign Brass, Bugler Lofthouse, Trooper Allen, and you, return together to the Iron Bridge, on receiving the order to turn back?—We did.

[The Witness withdraws.

Twenty-sixth Witness for Defence.

No. 755, Private *William Barnes*, 2nd Battalion 6th Regiment, being duly sworn, is questioned by the Prisoner.

1712. *By Prisoner.*] WERE you one of the men of Captain Adcock's troop who went from Golden Grove past the Post Office to the Iron Bridge, and afterwards on to Amity Hall with Corporal Bedford?—Yes. *W. Barnes.*

1713. Did you go past the Post Office, directly over the Iron Bridge at first, or did you go anywhere else first, on that Sunday morning, before you went over the Iron Bridge?—I stopped at the Post Office; and I went on the same road, straight ahead.

1714. After you left the Post Office, did you go straight ahead with any other soldier?—Yes, I went with two more. Private Cox and Lance Corporal Bedford of the 2nd Battalion 6th Regiment.

1715. About how far did you go straight ahead on this road with Bedford and Cox?—About 200 or 300 yards.

1716. At or near that road straight ahead, did you see or hear of any dead bodies that same Sunday morning?—No.

1717. Did you, on that road, straight ahead, take notice of a bamboo rail fence, or of some bamboos, on that Sunday morning?—Yes; there was on the right-hand side a bamboo fence.

1718. Did you see any dead bodies at or near that same bamboo fence on that same Sunday morning?—No.

1719. Did you rejoin the main body afterwards; if so, were you and others reprimanded by Lieutenant Adcock for straggling that Sunday morning?—I did rejoin the main body and we were reprimanded by Mr. Adcock.

1720. On that Sunday morning, did you see anybody on the road with shovels, hoes, or other digging implements, any where near this same road that you went straight on, or on the road towards Amity Hall Estate?—No.

1721. *By Prosecutor.*] Did you know, before leaving Golden Grove, where you, that is, the party of which you were one, were to go?—Yes; I knew we were to go over the Iron Bridge.

1722. How did you come to go past the place, which you knew you were to go to, or over?—Because three of the men stopped behind at the Post Office to get a saddle changed. The three

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of us then gallopped our horses on the road, while the troop was gone ahead before us.

1723. Was that how you came to go the wrong road?—Yes.

1724. Did the detachment go on before you changed the saddle?—Yes, they went past me.

1725. How long after the detachment went past, was it that the saddle was changed, and the three of you ready to go on?—I could not say; but about two or three minutes.

1726. Had you lost sight of your detachment before you were ready to start; that is had it gone too far onward for you to see any of them?—No, I did not lose sight of them.

1727. Then why did you not go on and join them?—We gallopped past the Iron Bridge, and then, when we had got to a certain distance, we turned right about, and gallopped over the bridge after them.

1728. Did you mistake the road in galloping past the Iron Bridge?—No; I kept straight ahead past the Iron Bridge.

1729. Do you mean that on coming from Golden Grove you gallopped past the Iron Bridge without stopping?—Yes.

1730. Then did you change the saddle after you came back to the Post Office?—No; we changed the saddle before we left Golden Grove to go to the Iron Bridge.

Witness on hearing this read over, states that it is not his meaning; but that the saddle was changed going along the road to the Iron Bridge.

1731. At which part of the road did you change the saddle?—On the right-hand side, at the Post Office.

1732. What do you mean by changing the saddle?—Bedford changed the saddle; he got another saddle at the Post Office, because his own had no stirrups.

1733. Then was it as you gallopped past the Post Office that you saw the detachment going onwards over the Iron Bridge?—We went to the Post Office together; then I stopped, and they went past me.

It being now 4 p.m. the Court adjourns till 10 a.m. to-morrow, 20th instant.

Twenty-eighth Day, 20th November 1866.

On Tuesday, the 20th of November 1866, at 10 a.m., the Court re-assembles pursuant to adjournment: Present, the same Members as yesterday.

The Prosecutor intimates that he does not intend to continue the cross-examination of Private Barnes, and the Prisoner also declines re-examination.

Twenty-seventh Witness for Defence.

No. 22, Private James Cox, 2nd Battalion 6th Regiment, being duly sworn, is questioned by the Prisoner.

J. Cox. — 20 Nov. 1866.

1734. *By Prisoner.*] Were you on the detachment with Captain Adcock, on the road from Golden Grove past the Post Office, on towards the Iron Bridge, and thence to Amity Hall, on Sunday, 22nd October, last year?—I was on the detachment with Captain Adcock, and I went as far as the Post Office on that day.

1735. With what other soldiers of the 6th Regiment were you on that day, on this march?—I was with two others: Private Barnes and Corporal Bedford, as he now is.

1736. After you left the Post Office, did you, with them, go over the Iron Bridge at first, or elsewhere at first?—Elsewhere at first; on the Holland Bay-road, I think it is; it runs straight on from the Post Office.

1737. About how far on this Holland Bay-road did you go with the two other soldiers, on this Sunday morning?—Between 200 and 300 yards, counting from the Post Office.

1738. On the wrong road, which you took with the other two men of the 6th Regiment, did you see any three dead bodies near the roadside, or by a fence?—No.

1739. Did you see any bamboos on the wrong road which you went?—I saw a bamboo fence on the left-hand side.

1740. Was that the left-hand side as you first went on the wrong road, or as you returned from it?—As I returned, I believe.

1741. Did you see any three dead bodies tied to, or near that bamboo fence, which you saw that morning?—I did not.

1742. When you returned from the wrong road and got back to the Iron Bridge, about how far off did you see the main body under Captain Adcock?—They were some 500 or 600 yards in front.

1743. Did you, on your return, get reprimanded by Captain Adcock for straggling?—I did.

1744. Did you see any eight or nine persons on the road that morning, with hoes or shovels, or other digging implements, that Sunday morning?—I did not.

1745. *By Prosecutor.*] Was the bamboo fence which you say you saw all along the road from the Post Office to the place at which you turned back?—The bamboo fence extended all along the road, as far as I went, with the exception of 20 or 30 yards.

1746. Was the 20 or 30 yards, nearest to, or farthest from the Post Office?—Nearest to the Post Office.

1747. Was it on both, or one, or which side of the road?—The bamboo fence was on my right-hand side, at the time I mean, returning to the Post Office.

1748. You have said in your examination in chief

chief that the bamboo fence was, you believed, on your left hand in returning to the post office, and again in your cross-examination, that it was on your right hand in returning to the post office; which is right?—The right-hand side of the road as I was returning.

1749. Did you see any bamboo fence on the left-hand side as you were returning?—There was a fence, but I could not state what it was, whether bamboo or not.

1750. How high was the bamboo fence on the right-hand side, as you were returning, which you say you saw?—Six or seven foot according to my calculation. *J. Cox.* 20 Nov. 1866.

1751. Did you walk or ride from Golden Grove to the post office?—I rode all the way.

1752. At what hour of the day did you arrive at the post office on that Sunday?—Between the hours of eight and nine a.m.

1753. *By Prisoner.*] Were the bamboos you saw on the right hand, as you returned, growing bamboos, or what else?—They were railing bamboos some, and some growing.

[The Witness withdraws.

Twenty-eighth Witness for Defence.

Lieutenant R. F. BALLANTINE, 1st West India Regiment, being duly sworn, is questioned by the Prisoner.

1754. *By Prisoner.*] CAN you give the Court your opinion as to the general character of Ensign Cullen as an officer and a gentleman?—I can. During the 18 months I have known Mr. Cullen I have always found him a perfect gentleman, and a most humane and kind-hearted man. *R. F. Ballantine.*

[The Witness withdraws.

Eighth Witness for Defence re-called.

JOSEPH WOOD, Book-keeper on Amity Hall Estate, is re-called; and, with the sanction of the Court, is questioned by the Prisoner on his former oath.

1755. *By Prisoner.*] Do you know Harriett Warren; has she a husband?—I do know her; she is living with Thomas Wright, the headman on Amity Hall Estate. *J. Wood.*

1756. Can the person with whom she is living read or write?—To the best of my knowledge he cannot write.

1757. *By Court.*] Was Harriett Warren living with Wright before and during martial law?—I believe she was; I know she was.

[The Witness withdraws.

Twenty-ninth Witness for Defence.

THOMAS MANNERS, Surgeon, of St. Dorothy's, Coroner and Magistrate for the same District, being duly sworn, is questioned by the Prisoner.

1758. *By Prisoner.*] WERE you once stationed in St. Thomas-in-the-East, and did you go often to the Duckenfield Estate?—I was stationed at Port Antonio, I being then in the service, and I used to go to Manchioneal and to the Duckenfield Estate; it was the cholera time, and I used to travel about a good deal. This refers to 1850 and part of 1851. *T. Manners.*

1759. Do you know the neighbourhood of Duckenfield Estate, the bridge and grass piece, near there?—I recollect a grass piece near Duckenfield Estate.

1760. Do you know what that grass piece was considered to be, or for what it was used, in your time?—It was used as a burial-ground for people who died of cholera.

1761. Can you tell the Court of the habit of burying two or more bodies in one grave, without coffins?—During the epidemic of cholera I have known three, four, and as many as a dozen bodies put in together in the same hole, without coffins.

1762. Have you made a searching examination of certain bones now lying in these barracks, as the bodies of men the subject of this inquiry?—I have made a minute examination of some bones, now lying in the engine-house, in these barracks.

1763. Have you or not found amongst the bones produced more bones than would amply suffice for three dead bodies?—I have.

1764. Having examined the bones produced as the bones of the three men, the subject of this inquiry, will you state your opinion whether those bones have been in the earth only 11 months and four days, or that they must have been in the ground for a longer period of time?—Most decidedly they have been in for a longer period of time, I should say four years, or perhaps more.

1765. Do all the bones produced to make up each of the three bodies, for each person, appear to be, as regards the bones of each of the same age, for the same body?—The bones lying, I think they are, on the middle table, are evidently those of a young person, with the exception of the femurs or thigh-bones, which do not correspond with that skeleton at all. I wish also to make a remark as to the peculiarity of the pelvis of this skeleton, which on first examination I took to be that of a female, but on a further examination I found it to be that of a young male.

1766. Having seen some holes in two of the skulls produced, can you positively state whether they must have been inflicted before death; or do you rather think they present appearances of being inflicted after death?—I am certainly of opinion that they were inflicted after death.

1767. Having regard to the position of the marks on these two skulls, are you of opinion or not, that they must have been inflicted by a person standing on a level with the bodies, at 11

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or 12 paces directly opposite, or by a person who must have stood higher than, or over the bodies?—With regard to one skull, certainly it could not have been done by a person standing opposite, it must have been done by a person standing over.

1768. Suppose any person stood near to the grave, and with the skull well exposed, and fired at the skull in the grave, would the marks you have noticed present an appearance similar?—In one skull they would.

1769. Beyond the injuries on the two skulls, are there any such bones of the rest of the three bodies broken, as you might fairly expect from shots fired at 11 or 12 paces by several men, say from three to 10?—I do not think it; I did not see any bones broken by gun-shot wounds, beyond what I have mentioned, in the skulls.

1770. Could the fractures which appear on the two skulls, have, in your opinion, been produced by other means than a conical ball?—One, I think, has been produced by a pickaxe, or what the negroes call a digger; either by pickaxe or digger.

1771. Have you, or not, based your opinion, expressed in this Court, on the test of actual experience, as well as on your past and present surgical knowledge?—Certainly.

1772. Is that fracture on the one skull which you say is produced by a pickaxe or a digger, the one skull with the large hole about the front part of the head?—No; the one that I mean has the hole at the back part, as far as my memory serves me at present.

1773. In ordinary experience, does not an Enfield rifle ball make a hole almost as small as itself at the point of entrance?—It makes a hole at entrance the exact size of itself; this is within my own experience; I had a case the other day.

1774. *By Prosecutor.*] When did you enter the army, and when did you leave it; what was your rank?—I entered the army in 1848 as an assistant surgeon on the staff; I left in 1858.

1775. When did you go to Port Antonio, and where were the troops you were attending stationed?—I went to Port Antonio in the month of May 1850, and I left in 1852. The troops I was attending were in the barracks at Port Antonio.

1776. How far is Port Antonio from the Duckenfield Estate?—I cannot tell you at this moment, it is so many years since I was there.

1777. During the prevalence of cholera how often were you able to leave the troops at Port Antonio, and go and see burials at the Duckenfield grass piece?—I did not state that I saw burials in that grass piece, though I knew it was used for that purpose; at that time my orders from General Bunbury were to afford medical assistance all round the country wherever it was required, as far as I could go; and I used to go as far as 30, and even 40 miles, sometimes.

1778. Did you ever see a body buried in the Duckenfield grass piece?—No.

1779. How then do you know that the place was used as a cholera burial-ground, or as a burial-ground at all?—On my visits there people pointed it out to me as the burial-ground of cholera patients.

1780. You have said that you made a very careful examination of the bones now lying in the engine-room in these barracks, and that there are more bones than would amply suffice for three dead bodies; enumerate the bones which are in excess?—The three bones belonging to the scapula or shoulder blade.

1781. How many of these bones (scapula or shoulder blade) do you find there altogether?—The two broken up, belonging to one skeleton, and four more belonging to the other two skeletons, making in all six.

1782. How many ought there to be, supposing you have the skeletons of three bodies?—There ought to be six.

1783. Then what are the bones which you say are in excess; what are they called in anatomy?—There are two corocoid, and one acromion processes.

1784. How many of these bones ought there to be in three skeletons?—There ought to be 18 processes in three skeletons; that is, three processes to each scapula.

1785. How many do you find in all among the bones in the engine-room?—There are in all 21 processes; that is, six complete scapulæ and three processes not belonging to any skeleton.

1786. Are there any other bones in excess; if so, state their anatomical names?—Not that I am aware of.

1787. Then in all other respects do you find that the bones make up three male skeletons?—In all other respects they do.

1788. What is the peculiarity of the bone which you say does not agree with the others of that skeleton to which it is affixed; and is it larger or smaller?—It is that of a person older in life than the rest of the bones; the femurs, which are the bones differing from the others, appear to belong to a person of about 30 years of age, or at all events above 25, while the pelvis and humeri seem to be those of a person of 21 years of age.

1789. Did you observe any brainy matter, or marks of it, about any of the bones?—Not the slightest vestige of it.

1790. By what are bones kept together at the joints, either in life or after death; what do you call the adhesive property?—Ligaments.

1791. Had all traces of these ligaments passed away; were none of the bones still adhering together by the joints?—They were all loose and scattered when I saw them; I did not see a ligament.

1792. You say that, in your opinion, the bones which you have examined must have been at least four years in the ground; on what do you found this opinion?—From my own experience in exhuming bodies, and from my own experience as an anatomist.

1793. Can you not establish your opinion by anything further than what you have said; have you nothing further to add as your reason for your opinion?—I may add that the bones are utterly devoid of animal matter, while if they had been only 12 months in the ground they would have been heavy and have presented an entirely different appearance; the ligaments would have been there; the attachments of the muscles would have been seen, as also the brain.

1794. Is the process of decomposition then invariable, or does it depend upon any and what conditions for the presentation of very different stages?—My opinion is that decomposition is not ended for, say, two years; I have seen cases where decomposition has not ended in that time; I speak of bodies buried without coffins, and to a depth varying from one foot and a-half to four feet, and with quick lime.

1795. What

1795. What effect has quick lime on dead bodies?—There is a supposition that it quickens decomposition, but I am not of that opinion.

1796. Do you think, founded on your experience, that a body buried without a coffin, 19 inches under the surface, in this climate, in a damp soil, or near the banks of a river, without any quick lime, could not decompose and leave nothing but bones in 12 months?—Certainly not.

1797. When did you first see these bones?—I saw them first yesterday week.

1798. *By Prisoner.*] You say decomposition is not ended for at least two years; are you aware that bones in France are not allowed to be exhumed till the lapse of five years; and in England, not until the lapse of 11 or 14 years from old cemeteries and burial grounds, so that all smell of decomposition might pass away?—I am aware of that; even longer; in Paris I think it is 12 years.

1799. You speak of decomposition going on for two years; was there any offensive smell at all from these bones produced; was there offensive smell from those you saw as being exhumed from the ground only after 12 months' burial, from your actual experience?—There was no smell from these bones at all; they were void of smell; that is, those bones of the three skeletons. From my own experience of those exhumed after 12 months, there is a strong odour.

1800. You say there were no brains on the bones produced as of the three persons, the subject of this inquiry; were there vestiges or quantities of brainy matter about some skulls of bodies buried about 12 months ago, that is, in October 1865, and can you produce some to the Court, the same as formed the subject of your actual experience?—There were vestiges of brainy matter on skulls buried 12 months ago, within my own experience; I could produce some of the brainy matter which I removed from the skull of a body which had been buried on 26th of October 1865.

1801. Did you take out those brains of the skull you speak of, as buried on the 26th October 1865, in the presence of Dr. Allen, of the lunatic asylum, yesterday morning?—Yes, in his presence.

1802. You were cross-examined as to what you found on the bones produced. On the bones produced did you find any perceptible amount of clothing; what was the case with regard to the person buried on the 26th October 1865, in respect of clothing?—With respect to the three skeletons which I examined in these barracks, there was a small piece of cloth, about three inches long, adhering to one of the ribs. The clothing of the person alluded to as buried on 26th October 1865, was in very good order: the waistband of his trousers was in very good order, and the red paint on his convict clothing was very distinct. *T. Manners.* 20 Nov. 1866.

The President orders the court to be cleared for deliberation.

The court is re-opened, and the prosecutor informed that, as fresh matter has been introduced in the last four questions, not arising out of cross-examination, the Court will put any question on the subject which he may be desirous of urging.

The Prosecutor declines to avail himself of this offer.

1803. *By Court.*] Describe the grass-piece which you state was used at Duckenfield for burials, during cholera?—I merely have a recollection of a grass-piece, but as I have not been there for so long a time, since 1852, I am unable to describe its situation. It was pointed out to me then, and I have since forgotten all about it.

1804. Which is the skull which, in your opinion, has been injured by a person standing above?—

The three skulls being produced in Court, the Witness points out the centre one, that marked No. 3.

1805. Which is the skull which you state, if fired at in the grave, would present, as regards injuries, the appearance which it now has?—I think it is the same skull, that marked No. 3.

1806. Which is the skull which you consider was injured either by a pick or a digger?—As far as I remember, it is the same skull, No. 3.

1807. Point out the three processes which you state are in excess of the bones of the three skeletons?—

The Witness points them out, as requested; three small pieces of bone; the Court having proceeded, for the purpose, to the engine-house in the barracks, where the bones were laid out.

1808. Point out the thigh bones which you state appear to belong to a person above 25 years of age?—

The Witness points them out, and explains that the epiphysis of the pelvis and of the humeri of the skeleton in question is not completely joined or set, as this process does not take place until a person has reached 21 to 25 years of age; whereas in the femurs or thigh-bones said to belong to the same skeleton, the epiphysis is fully joined,

It being now 4 p. m., the Court adjourns till 10 a. m. to-morrow, 21st instant.

Twenty-ninth Day, 21st November 1866.

On Wednesday, the 21st of November 1866, at 10 a. m., the Court re-assembles, pursuant to adjournment: Present, the same Members as yesterday; and the questioning of the last Witness, Dr. Manners, by the Court, is proceeded with. *T. Manners.* 21 Nov. 1866.

1809. *By Court.*] On what grounds do you base your opinion that the holes in two of the skulls were inflicted after death?—From experiments that I have made myself on skulls, which experiments correspond with the opinions expressed by Tevan, a recent writer on gunshot wounds. In gunshot wounds made in a skull, after death, the aperture made by the entry of the bullet

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bullet is always larger than it would be in the case of a skull of a living person, and the fissures are also greater; more cracks round the hole, and the sutures opening more.

1810. What experience have you had as to wounds made upon the skulls of living subjects by the Enfield rifle?—I have seen cases when I was in the service, of wounds by the conical bullet: and in private practice I have since had one or two cases; I mean skull wounds.

Witness requests that his reply to Question 1783 may be corrected, and stand thus: "One corocoid and two acromion processes;" also that his reply to Question 1784 may be altered, and to stand, "12 processes in three skeletons; that is, two processes to each scapula;" also that in reply to Question 1785, "15" should be substituted for "21."

[The Witness withdraws.

Thirtieth Witness for Defence.

Staff Surgeon STREET, M. D., is re-called, and questioned by the Prisoner on his former Oath.

Staff Surgeon *Street*, M.D.

1811. *By Prisoner.*] HAVE you examined the bones produced, as the bones of three men, the subject of this inquiry, the bones which are now lying in these barracks?—Yes.

1812. Did you discover any brains or any animal matter about them?—No.

1813. Do all the bones produced to make up each body for the same person appear in each body for itself to be of the self-same ages; or are some of the bones of the one body older than some of the bones of that same body?—Some of them have the appearance of being older; some of the bones appear to have been longer interred than others; and there are two of the scapula which are put down as belonging to the same body, one of which seems to be larger than the other. By the word "older," I mean to imply my opinion that some of the bones seem to have been longer under ground than others. This applies to one skeleton. Two of the femurs appear not to have been so long interred as the other bones.

1814. Are you of opinion that the bones produced were in the ground only for 11 months and four days, or are you of opinion that they must have been in the ground for a longer period than a twelvemonth?—They have the appearance to me of having been longer.

1815. With regard to the position of the injuries on two of the skulls, are you of opinion that they must have been inflicted by a person standing on a level with the bodies, directly opposite; or rather that they may probably have been inflicted by a person standing high over or above the persons shot at; as, for instance, shot at on the ground?—

> The Prosecutor objects to this question, as being too leading. The Prisoner thereupon requests permission to amend it, and substitutes the following:

Amended Question.] Looking at the position of the injuries on the two skulls produced, how do you think the person shooting at them must have stood, and how do you think the bodies shot at must have been relatively?—I have not as yet given evidence that they were gun-shot wounds; but assuming that they were gun-shot wounds, I do not think they could have been inflicted by a person opposite them. One of the skulls I am doubtful about, judging from the point of entrance and the mode of exit. (*The Witness points out the skull marked No. 3, and explains his reasons for feeling doubtful as to what the hole in the skull had been caused by.*) In the other skull, marked No. 1, and which had been very much fractured, I cannot account for the extensive nature of the fractures, nor for the large size of the hole at the point of entry, except on the supposition that the person firing had stood very close to the body shot at. As far as my experience goes, skulls may be fractured to the extent that this one has been, in cases of suicide, where a pistol, for instance, has been held close to the head; but rarely, I think, by a rifle ball at any distance, unless very close indeed.

1816. Could the injuries you have seen on two of the skulls produced, have been caused by other means than a conical ball?—I believe they might, but I am not prepared to answer that with any certainty; this refers to the skulls marked Nos. 1 and 3.

1817. Do you consider that shots fired at 11 or 12 paces, on a level, by, say, from three to ten men, at the bodies of the bones produced, would have done the amount of mischief which appears to have been produced on the two skulls, with all the sutures separated or loosened, and with other appearances visible on them?—No, I do not.

1818. At the time when you first saw the bones produced, as the bones of men, the subject of this inquiry, had they any ligaments or perceptible clothing, or hair on the head or the pubes, or any offensive smell?—No, not that I saw, that applies to ligaments, hair, and clothing; nor was there any perceptible smell.

1819. At the time you first saw the bones in question, were all the skulls and the remainder of the bones in pieces. When first did you see them?—No, they were not in pieces when I first saw them. I am unable to say when this occurred, further than that it was about three weeks or a month ago; I cannot specify the date at all, but it was shortly after this Court began its sittings. I did not see the bones till after they had been put together.

1820. *By Prosecutor.*] Have you yourself fitted up the three skeletons, and taken the trouble of selecting and matching the bones?—I have not done it altogether myself but I have been present, and assisted with others.

1821. At what place did you first see the bones?—In the engine-house, in these barracks.

1822. What is your reason for saying that two of the bones appear to have been longer buried than the rest?—From their colour, and from their general appearance.

1823. Does that observation apply to all the bones of any one skeleton, or only to the two bones which you have named of one of the skeletons?—More particularly to those two bones.

1824. In view of the climate of this country, *would you undertake to say, for a certainty, that a body buried without a coffin, 19 inches below* the surface, in a damp soil, could not decompose completely

completely within 12 months?—I could not say so, with any certainty.

[The Witness withdraws.

At this stage, and about 11.40 a.m., one of the members of the Court, Captain Seton, 102nd Regiment, was seized with an epileptic attack.

Staff Surgeon *Street*, M.D.

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The Court therefore adjourned till 11 a.m. to-morrow, 22nd inst.

Thirtieth Day, 22nd November 1866.

On Thursday, the 22nd November 1866, at 11 a.m., the Court re-assembles, pursuant to adjournment: Present, the same Members as yesterday.

Thirty-first Witness for Defence.

The Defence is proceeded with, and Staff Assistant Surgeon Henry Morris, being duly sworn, is questioned by the Prisoner, after being duly cautioned by the Deputy Judge Advocate that he, the Witness, being himself a prisoner awaiting trial, on a charge similar to that on which the Prisoner is arraigned, should not attempt to reply to any question which might have a tendency to prejudice his own case.

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1825. *By Prisoner.*] Are you the medical officer who marched with Ensign Cullen on the detachment, on the 21st October 1865, from Manchioneal to Golden Grove?—I am.

1826. Will you tell the Court, as well as you can, in what state you were before you reached the Iron Bridge, and when you reached the post-office, on that day?—I was suffering from sun-stroke, and nearly insensible.

1827. Did you on that day, at the post-office or Iron Bridge, give any order to any soldier to shoot any three prisoners, or any prisoners at all, or take part in any shooting on that day, to your knowledge or belief?—I did not.

1828. During the time you were at the post-office that day, did you see any three prisoners brought for any purpose by any persons, or constables, or book-keeper, to the best of your knowledge or belief?—I did not.

1829. To the best of your knowledge and belief, did you move out of the building from the time you arrived there till the time you left it?—I was incapable of doing so, and it was with great difficulty I left it when I did; and then I got up under the belief that Mr. Cullen had got a cart for me, which he endeavoured to procure for me.

1830. Were you present at the exhumation of the Rev. Mr. Herschell, the same gentleman who was killed in Morant Bay during martial law; and did you see the depth of his grave, and the state of his remains?—I was present, and saw him exhumed, and the state of his remains; the depth of his grave was from 15 to 18 inches, and he was lying on his face. The first thing we came upon was a shirt; we then tried to lift the body, to ascertain if it were Mr. Herschell, but we could not do so, on account of the stench; the negroes then refused to lift it. An officer of Her Majesty's gunboat "Nettle," and Mr. Orgill, then raised it themselves. The hair covered the scalp, and one long whisker hung to the face; I did not see two. The brother-in-law, Mr. Orgill, then removed a black stud from the shirt-front, which was perfect; he also had on his drawers, which were stained with blood; the blood-marks remaining. This was in August last; the actual date I cannot give. The body, when we lifted it into the coffin, hung together; we lifted it on two sticks. The body was not in a coffin.

1831. To the best of your knowledge, were any prisoners shot that day with the knowledge or sanction of Ensign Cullen, at or near the post-office?—No, or I should have known it.

1832. Do you know when Mr. Herschell was buried; tell the date?—I buried him myself on the 11th October last year, at day-break. The 12th October I should say, instead of the 11th. The first parties were buried on the 11th.

1833. Have you seen the exhumation and some of the remains of a certain body of a man said to be hung during martial law, and buried on 26th October 1865. When was it exhumed, and did you show the remains to Drs. Bowerbank, Manners, and others; in what state was that body when exhumed; state as accurately as you can?

The President directs the court to be cleared for deliberation.

The court is re-opened, and the Witness directed to reply to it.

The Prisoner, however, is informed that the question is considered of a very uncertain nature, and that a reply is sanctioned merely because the Court is desirous of affording every latitude to him in the conduct of his defence.

I have seen the exhumation of the body alluded to. I think it was exhumed on the 8th of this month. I showed it to the doctors named, as well as to all others who wished to see it. The pericranium was on the skull; hair perfect; periosteum on the upper extremities, also on the ribs; remains of ligaments present everywhere. On opening the skull the remains of the brain were found; there was an offensive smell on opening the grave; pubes covered with hair; a great deal of animal matter in the grave; in some cases two inches square; two finger nails present. The body was covered with lime, and I should say the whole of the clothing present; there was also a rope round the vertebra of the neck, and a great deal of fascia on the ilium, fascia being the covering matter of the muscles; it is a thick, dense structure, keeping the muscles in their place and the limbs in form.

1834. Have

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1834. Have you seen the bones said to be the bodies of the three men, the subject of this inquiry; how did they appear when you first saw them; what their different state, if any, of those?—I saw them for a few minutes; several bones are wanting; more than 100 to complete three skeletons; some adult bones were placed with others, to the ends of which the epiphyses were scarcely united, thereby not belonging to the same body.

1835. At what military hospital did you study?—Netley.

1836. Have you studied the effect of gun-shot wounds under experienced surgeons?—Under one of our most experienced surgeons on gunshot wounds, Dr. Longmore.

1837. Have you seen the injuries on two of the skulls produced; could they, in your opinion, have been caused by other means than by a conical ball?—*Pointing to the skull marked No.* 1, the witness replies: "Most decidedly; if this man were shot by a ball at all, the man who fired must have been considerably above and to the right of the subject shot at; or, if the man had been on a hill above and looking down, and the person firing had been considerably below him and to his right, a nearly spent spherical ball might have created this amount of mischief. But, in my opinion, it was done by a shell; it has more the appearance of a shell wound, that is, the splinter of a shell, as I never before saw a skull so shattered by a bullet whilst the man was alive. With regard to the skull marked No. 3, it is simply smashed up; and after death, I should think, the injuries might have been done with anything, there being a point of entrance but none of exit.

1838. How long is it since you received your diploma as a surgeon?—Nearly eight years.

The Prosecutor intimates that under the circumstances officially known to the Court, he declines to exercise his right of cross-examining this Witness, and he requests that this may be noted on the proceedings.

The Court also abstains from putting any questions to the Witness.

Before withdrawing, the Witness requests permission to add to his evidence regarding the skull, marked No. 1, that the injury inflicted, if done by a bullet, appears more likely to have been done by a bullet shell.

[The Witness withdraws.

Thirty-second Witness for Defence.

Staff Surgeon JOHN DUNLOP, M.D., being duly sworn, is questioned by the Prisoner.

J. Dunlop, M.D.

1839. *By Prisoner.*] How long have you been a surgeon, and what experience have you had as a surgeon in the army in different countries?—I have been more than 18 years on full pay. I have served in India for nine years; in the Mediterranean and in the Crimea; and for the last year in the West Indies.

1840. Have you seen the bones produced as the bones of three men, the subject of this inquiry; the bones now lying in these barracks?—I have.

1841. Did you discover any brains whatever on any of those bones?—I did not.

1842. Do all the bones produced to make up each body, for the same person, appear in each body for itself, to be of the self same ages; or, are some of the bones of the one body older than some of the bones of that same body?—Some of the bones appear to have been interred before other bones of the same body; the ages of the bones I cannot speak to.

1843. Are you of opinion that those bones were in the ground only for 11 months and four days, or are you of opinion that they must have been in the ground for a longer period than a twelvemonth?—I am of opinion that they were in the ground for a longer period than a twelvemonth.

1844. Do you consider that shots fired at 11 or 12 paces on a level, by, say, from three to 10 men, at those bodies, would have done the amount of mischief produced on the two skulls, with all the sutures separated, and other appearances?—No; I do not suppose they would have done that amount of mischief on the two skulls.

1845. Look at these two skulls, Nos. 1 and 3, will you tell the Court if the injuries might, in your opinion and experience, have been produced by other means than a conical ball?—Yes; I conceive that in both cases the injuries might have been caused by another weapon than the conical ball.

1846. At the time when you first saw the bones produced, did you see any ligaments, or hair, or perceptible clothing, or animal matter, or did you perceive any offensive smell?—I saw the bones for the first time on the 30th October; they had no offensive smell. A small quantity of hair was observed on one cheek, or rather on the bone of one cheek. A very small portion of ligament was observed on one or two of the vertebræ. A small quantity of cotton clothing was observed sticking to one rib; this piece was about two inches in length, and about half-an-inch in width; it was of cotton. Bone never loses altogether its animal matter, at least not for a very long period; but there was no perceptible animal matter.

1847. *By Prosecutor.*] Do not heat, moisture, and exposure to the air, hasten decomposition in dead animal matter?—They do.

1848. If decomposition had commenced before the burial of a body, would it or not proceed the more rapidly after burial; and would not this rate of rapid decomposition under ground be determined by the extent to which it had already proceeded before burial?—Certainly; undoubtedly. For a time decomposition would proceed more rapidly under the circumstances stated.

1849. If a dead body were exposed to the air and sun for 17 or 18 hours in this climate before burial, must not decomposition have already been far advanced?—Yes, advanced to a certain extent; I cannot say far advanced.

1850. What would be the relative decomposing power of a gravelly soil and a clayey one; in which other things being the same, would a skeleton be sooner denuded of flesh?—In a clayey soil.

1851. Do

1851. Do you know the nature of the soil at Duckenfield and at Morant Bay respectively, or of either of those soils?—Respecting either of those soils, I cannot speak definitely.

1852. By what marks do you conclude that some of the bones were interred before others of them?—By the absence of animal matter, by their lightness, and by the worn appearance of some of their parts, and also by their dryness.

1853. Do you consider that any of the fractures in the skulls, Nos. 1 and 3, could have been caused by conical balls?—They might have been caused by conical balls.

1854. Suppose a man to have been shot and his head hanging down, could another shot fired at him hit him at the spot indicated as a shot mark in the skull, marked No. 1?—I must ask whether the man was tied up; whether his body was flexible? Assuming that the shoulders and head of the man were flexible, his head might have fallen into such a position as to have allowed a wound, similar to that in No. 1 skull, to have been produced.

1855. Does the appearance you have spoken of, as the ground of your opinion, that some of the bones were interred before the others apply to all the bones of any one skeleton, or only to some bones of each skeleton?—All the bones, I should say, appear, in my opinion, to have been buried upwards of a year; some of them for a longer period. My remark applies to some of the bones of each skeleton.

1856. Can you, without analysis, undertake to distinguish the relative proportion of cartilage, or any other animal substance, in different partially decayed bones?—Yes, with tolerable accuracy. I can distinguish between cartilage and bone, with tolerable accuracy, by sight.

1857. Would you undertake to speak with any certainty that a body buried in a grave 19 inches deep, without a coffin, in a damp soil, on or near to the banks of a river, could not become divested of flesh by decomposition within 12 months, in this climate?—I should say it was possible, quite possible; though not probable.

1858. Can you, without analysis, fix the ratio in which cartilage has disappeared from a decayed bone?—With certainty I cannot; though I have observed cartilage on skeletons exposed to the open air, for a period of one year and four months.

1859. *By Prisoner.*] If the injuries might have been caused by conical balls, in what relative positions would you expect the skulls to be, and the shooters to be at the same time, looking at the parts of the skulls where the injuries are; be so kind as to describe it, by placing yourself, if you can, in the position you believe to be in such case actually necessary?—With respect to No. 1 skull, if the head had been flexed, with the chin resting on the chest, and the centre of the head turned almost at right angles to a person standing opposite with a gun in his hand; then this wound might have been caused by a bullet discharged at him. (*The skull was placed in the position described by the witness, and after looking at it himself, he again describes it as with the chin resting on the chest and the head inclined towards the left.*) I mean the face would be inclined towards the left. As regards No. 3 skull, and assuming that the injury were done by a conical ball, I am of opinion that the shooters must have stood over or above the skull or head. Supposing the skull is placed in its natural position, upright, the direction of the bullet, supposing it to have been done by a bullet, must have been almost perpendicular, unless the body was completely doubled up in a position such as I now assume (by bending down in such a position that the head would be below the pelvis). Except under these circumstances, the injury to this skull could not have been inflicted by a bullet.

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1860. When you answered the question on cross-examination, as to a body buried near the banks of a river, did you understand that the body might be at least 200 yards off, on elevated ground which admitted of drainage by an adjacent road, in an open field, and that the river was deep below the banks?—No, I imagined that the river was much nearer than 200 yards; that possibly its dampness might be affected by the overflow of that river.

1861. *By Court.*] On the 30th October did you carefully examine the bones of the three skeletons now lying in these barracks; where did you examine them, and who was with you at the time?—I examined them in the engine-house of these barracks, and, to the best of my recollection, Assistant Surgeon Kerr was present all the time.

1862. Did you, on examination, find that the proper number of bones for three skeletons were there complete in all their parts, or were there any bones deficient, or any in excess?—There were several bones deficient; bones of the hand and wrist; several also of the ankle, instep, and foot; but the principal bones of the three skeletons were all present. There were none in excess as far as I could judge.

1863. Are you able to form any opinion from the appearance of the discoloration round the fracture of No. 3 skull, whether the injury was caused before or after death?—I am not able to give any distinct definite answer to that question.

[The Witness withdraws.

Thirty-third Witness for Defence.

LOUIS JUIN BOWERBANK, M. D., Fellow of the Royal College of Physicians and Custos of Kingston, being duly sworn, is questioned by the Prisoner.

1864. *By Prisoner.*] How long have you been practising in this Colony in the medical profession; has your practice made you acquainted with several parishes in the island?—I have practised for upwards of 30 years. I have visited several of the parishes.

1865. Can you tell the Court what you have known as to the custom of burying one or more bodies in the same grave, among the lower orders?—I can only state that during epidemics, such as cholera and small-pox, it was a very common practice among the lower orders to bury two or more bodies in the same grave, some with and some without coffins. I have known upwards of 90 bodies buried in one grave or large pit.

Dr. *Bowerbank.*

1866. Have you examined the remains produced as those of three men, the subject of this

Dr. *Bowerbank.*

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prosecution, and when first did you see them, with whom, and where?—I have examined them on several occasions during the last three weeks; that is to say, since the 31st October, which was the first time I saw them. On that day I saw them in the presence of Dr. Anderson, Dr. Campbell, Assistant Surgeon Kerr, and several other gentlemen, in the engine-room of these barracks.

1867. Did you make a minute and careful examination of these bones, and did you take a list or memorandum of what was produced before you?—I examined the bones carefully on 31st October; and on a second occasion, the 2nd of November, a list was made of all the bones on the table, or rather of all the remains on the table.

1868. Did you and other doctors, in the presence of Dr. Kerr, put up these two skulls, now produced?—We did, with the assistance of Dr. Kerr, I think, and other gentlemen.

1869. Did you find bones deficient and bones in excess, amongst the bones produced, for only three bodies?—Several portions of bones are deficient, such as the bones of parts of the skulls, which are still deficient; the skulls marked 1 and 3, also a portion of a right pelvis, also one rib and a portion of a rib; portions of two scapulæ or blade-bones; and, according to the list taken, 145 bones of the hands and feet; there was also a portion of a lower jaw, the left side is wanting. In excess there are two bones which I take to be portions of the acromion processes of a pair of scapulæ or blade-bones; there is also a portion of bone which I take to be the ramus and condyle of the lower jaw. Besides these there are several other bones, which I believe belong to those skulls, but which it is impossible to fit into their proper places. If I recollect rightly, in fact, I am sure, it was on the first day, the 31st October, I pointed out there were two acromion processes in excess; the others were taken down on 2nd November.

It being now 4 p. m., the Court adjourns till 10 a. m. to-morrow, the 23rd instant.

THIRTY-FIRST DAY, 23rd November 1866.

On Friday, the 23rd November 1866, at 10 a. m., the Court re-assembles, pursuant to adjournment: Present, the same Members as yesterday, and proceeds with the Examination-in-Chief of Dr. BOWERBANK.

Dr. *Bowerbank.*

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1870. *By Prisoner.*] WHEN you first examined the remains, how were they arranged; were they on separate tables; are you now satisfied with the arrangement you last saw of these three supposed bodies?—On the 31st October the bones were arranged on three separate tables; the different parts of a skeleton, as near as they could be picked out, appeared to have been placed on each table. In the skeleton marked No. 3 there is some difficulty about the lower extremities; I think there is some reason to doubt whether the bones of the lower extremities belong to those of the upper extremities, and to the pelvis; all the lower extremities appear to belong to an older body than the upper extremities and the pelvis belong to. By "older" I mean a person of more mature age.

1871. Will you state whether or not you think that all the bones were bones of bodies killed and buried on the same day; do any of the bones appear to be interred longer than the others?—My opinion is that the skeleton to which the skull marked No. 2 belongs has been buried longer than the others; and I do not think that the decomposition of the soft parts of the skeleton marked No. 3 took place in that grave.

1872. Assuming that Dr. Kerr performed the exhumation of the bodies properly, and that it was sworn that all that was in the grave was taken out on such exhumation, that there was no flesh or ligaments on the bones, and only a few particles of hair, only on the head and none on the pubes, and that there were only two or three inches of clothes on one bone, and also that there were no brains, but, if anything, only adipocire or greasy matter, and that all the soft parts were generally absent, what would be your opinion as to the length of time during which the bones produced must have been interred in the ground?—My opinion is that those bones of those three skeletons must have been interred for a much longer period than eleven months and four days; and I have formed that opinion from the appearance of the bones themselves; their want of all offensive smell, the absence of all ligaments and cartilages, the dryness and comparative lightness, the friability and positive disintegration of some of them. I also found that opinion upon the results of recent observations made by myself and others upon bodies buried under nearly similar circumstances, except that in every instance, I believe, each such body was buried separately. I found the opinion also upon the evidence of Dr. Kerr as to the state in which these remains were on the 26th September, when he exhumed them, and also on the condition of the boxes and the straw in which these remains were packed for five weeks. From these observations I have no doubt that if the three bodies, the subject of this inquiry, had been buried in one grave on the 22nd October 1865, and been exhumed on the 26th September 1866, there would have been some remains of the soft parts, much hair, much clothing, and that 145 bones of the hands and feet would not have been wanting.

1873. Would the fact of three bodies being buried in one grave, in your opinion, hasten or retard decomposition?—I have no doubt that it would retard it. It is an acknowledged fact in cemeteries, where bodies are buried in coffins, and I think this would equally apply to those without coffins, that where two or three bodies are buried in the same grave decomposition is retarded.

1874. When you examined the boxes and straw, in some boxes produced as those in which these bones were originally packed, what did you find therein, if anything?—I found nothing that I noticed

noticed particularly; neither box nor straw appeared soiled.

1875. When you first examined the skulls with the bones produced, did you discover any brains, or tissue which could be taken for brains or adipocire, or the usual greasy matter, or any ligaments, or any offensive smell, or clothing or hair?—When I first examined the bones I found some hair, a small quantity, adhering to No. 1 skull particularly; there were two or three other patches of hair on the different tables, and there was a small quantity adhering to the upper part of one thigh bone, but altogether there was very little hair. There was no stench, or even any disagreeable smell. On cutting through a thigh bone, the medullary cavity was found dry, and without any apparent moisture; it smelt a little unpleasant, but that was merely the effect of sawing the bone. Some of the femuræ and tibiæ had about their condyles and heads a deposit of adipocire, as also one as inominatum of one pelvis; the lower portion of one tibia, and the ankle bones of one leg, was covered with a greasy substance of a yellow colour. One rib, a rib of the right side, I think, on its convex surface, had a small piece of cloth adherent to it, about an inch and a half square; it appeared to be of cotton, and a kind of check-blue thread was worked into it in a kind of large squares, as far as I could make out. There were no brains at all. I searched each skull carefully, to ascertain if there were any ova of insects. There was a belt, the remains of a belt, on one of the tables; three pieces of leather and a buckle. There was also a brace buckle; also a common horn button; a breeches button, I think; and a porcelain button, and two portions of pipe bowls.

1876. Can you tell if such things as belts are a common article of wearing apparel amongst the lower orders; had the belt you saw produced a fresh or an old appearance?—The belt, I think, is very commonly worn. The one I saw was an old one, and in three pieces.

The Court is closed, by order of the President, for deliberation.

The Court is re-opened, and the Prisoner is informed that the Court is of opinion that the examination of a witness called for the purpose of giving scientific evidence, should, as far as practicable, be confined to professional points.

1877. In your examination of the bones produced did you find on the tables any rope; had such an article been found would you have expected to find it after 11 months and 4 days, and in what condition?—There was no rope, or any appearance of rope; my opinion is, from recent observation, that if rope had been put there it should have been found in good condition in the grave.

1878. From the character of the injuries, and their position, can you state whether or not they might have been produced by other means than by a conical ball?—I think many of the injuries might have been caused by other means than a conical ball; this remark applies to the bones generally, not to the skulls alone.

1879. Even assuming that the injuries on these skulls were inflicted by bullets, in what relative position must, in your opinion, the bodies and the shooters have been at the same time; and can you say whether those injuries may have been inflicted some time after death?—My opinion is, as regards No. 1 skull (but I beg first to remark that the skull has now been set up, that there are now nine pieces of bone fastened on which, when I saw the skull on the first occasion, were broken off and quite detached), my opinion, from examining the wound and the state of the skull generally, is, that an Enfield rifle at 11 paces could not produce that wound on a living man. Assuming the hole to have been caused by a bullet, it might have been inflicted in three different positions; first, the erect; in which case the shooter would have been to the front and right of the skull, and to produce the entire injury the shot must have been fired rather downwards. Second, with the head bent forward; in which case the person firing would have stood to the right and fired upwards. Thirdly, lying down; in which case the firer would have stood on the right side of the body, and obliquely to the front. From the extensive injuries to this same skull, extending in all directions over skull and face, I believe, from my own limited experience, from a series of experiments lately made, and from the published results of a series of experiments by Mr. Tevan, that if the injuries to this skull arose from a bullet, they were done after death. No. 3 skull is broken up into several pieces; in fact, the only entire bone in the skull was the right parietal, and that has a fracture; the bones of the face, the individual bones of the face, are broken up, and almost every suture separated. Supposing these injuries to have been inflicted by a bullet, my opinion is that the person firing must have been above and to the right; and supposing the head to have been hanging very much down, it might have been produced by a person in front and to the right; but I repeat that no one bullet, not even a shell bullet, could have inflicted this damage. I omitted to say, that if the body had been lying on the ground, and on its right side, a person standing to the right could fire down upon it and produce that wound, if one ball could do it. I may add, that if that injury were done by a bullet, I believe that the fractures of the lower jaw, the first joint of the neck, and I think the left scapula, might all have been done by the same bullet, as they are all in the line of fire; this refers to the erect and recumbent positions, but not to the inclined one. In point of distance, I believe that the rifle must have been within two feet; and I suppose this would apply to all the positions, and to both skulls. I believe, as regards No. 3 skull, from the character of the injuries, that they must have been inflicted after death. With respect to the remaining skull, I could detect no injury to it, nor, as far as I could see, to the bones belonging to it.

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1880. Supposing that these skulls had been injured (as they now appear), what opinion would you form as to the age of those injuries on bodies buried, when you see the sharp edges of the outer tables, and the network of the diploe?—I should certainly say if those skulls broken up into pieces, as they now are, had been buried in that state on 22nd October 1865, that the sharp edges and diploe ought to have presented a more worn appearance, and not to have fitted so exactly as they do.

1881. From your examination of the injuries on the remains produced, are you of opinion, or not, that these injuries could or could not have been produced by soldiers armed with Enfield rifles, firing at the bodies placed opposite them in an upright position, and tied by the hands to

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a bamboo fence, with their backs or their faces, in front of the soldiers, on a level?—I do not believe that an Enfield ball fired at 11 paces could have produced those injuries to the skulls of living men; and I intend that remark to apply to every position I have named, the upright, the inclined, and the lying down.

1882. In giving your opinion, now expressed to this Court, as to the bones produced, have you had the advantage of seeing soon after exhumation any body or skull, or part thereof, and, if so, by whom and when were they shown to you?—I alluded, I think, to recent observations by myself and others. I have seen the remains of Jones, a penitentiary convict, who was hung at Up Park Camp, on 26th of October 1865; I think that was the date, and was exhumed, I believe, on the 7th or 8th of November 1866. I have seen, also, the skull of a rebel who was shot, and buried, I believe, on the 12th or 13th of October 1865, and exhumed some time in August 1866. I have also seen some of the bones of a person who was buried on 13th May 1862, and was exhumed within the last few days; also, another buried on the 25th June 1865, and exhumed within the last few days; also, the bones of a horse buried in March 1865. With the exception of Jones, the penitentiary convict, and who I know was hung in October 1865, I cannot speak of my own knowledge to the dates on which these persons were respectively buried; but the remains of all, after exhumation, I have myself seen. The rebel skull, I think, was first shown me by Dr. Morris within the last fortnight, but I cannot fix the day. A portion of Jones' skeleton was shown to me by Dr. Morris on the 7th or 8th November, just after it had been exhumed. I saw the remainder of it yesterday. The remains of the other two were shown to me by Dr. Manners within the last week.

1883. When you first saw that skull, head, or body, from near Up Park Camp, after exhumation, did it present any very remarkable differences in appearance from the description of the bodies produced as already given on your evidence before the Court; what of the other skull you speak of as a rebel skull?—The first portion of that body of Jones that I saw presented a very different appearance from the remains of the three bodies in the engine-room. Several ligaments were on; portions of several ligaments were adherent to the bones; the periosteum, or membrane covering the bones, existed on many of the bones and on the skull, attached to which was a large flap of the coverings of the skull; on dividing a thigh bone with a saw it stunk very much; portions of cartilage were adherent to the vertebræ or joints of the spine; one side of the pelvis was covered with a large flap of dry tissues, and Poupart's ligament was distinct, a ligament of the pelvis; there was hair upon the pubis, and there was adipocire on some of the bones. There was a quantity of clothing, metal buttons, brass buttons verdigrised on one portion of his clothes, his number as a prisoner was painted in red letters; besides this, there was the noose of the rope by which he had been hanged; it was perfectly sound; subsequently, his head was taken and fired at with an Enfield rifle; as the ball struck the head, a large quantity of most offensive smelling matter fell out, which I believe to have been a portion of the brain. Yesterday I saw a larger portion of Jones' body, and I was very much struck with the great change which had taken place in the bones I had previously seen. I saw also a finger with the ligaments on. The other, spoken of as that of a rebel, I was shown by Dr. Morris and Dr. Kerr.

The Prosecutor here interposes, and objects to Dr. Bowerbank's giving statements as to the condition of exhumed bodies, which he could not so identify as to fix, of his own knowledge, the time during which they had been buried.

The Prisoner states in reply that he merely asks as to what Dr. Bowerbank saw. He will be able, he thinks, to prove by Dr. Morris, the dates of the burial and exhumation of that skull, said to be the skull of a rebel, and shown by Dr. Morris to Dr. Bowerbank, otherwise he must recall Dr. Bowerbank. The objection of the Prosecutor is now as to the admissibility, not the worth of the evidence.

The court is cleared for deliberation.

The court is re-opened, and the decision of the Court announced that the objection on the part of the Prosecutor is a valid one; that the examination of Dr. Bowerbank must be continued, without at present answering the question; that on the arrival of Dr. Morris, as a concession to the Prisoner, the Court will allow such questions to be put to him as they shall deem fitting, and that then they will announce whether or not Dr. Bowerbank is to be permitted to continue his reply to the latter part of the question (1883) respecting the skull, said to be that of a rebel.

The Prisoner states that he has no further questions to put to the Witness as his examination in chief.

1884. *By Prosecutor.*] With regard to No. 1 skull, I understand you to mean that the points of entry and exit of a ball going through a skull would merely determine the line of the ball through the skull, but not necessarily the relative positions of the person shooting, and of the one shot?—In making the remarks I did I implied that the line of fire was from the inlet to the supposed outlet of the ball, and that that particular wound could not have been made by a ball except in the position described.

1885. To determine such position, would it not be absolutely necessary, in addition to the points of entry and exit, to know the exact position of the head at the moment of impact?—Decidedly; that is what I tried to explain by the three positions in which I supposed the skull to be at the moment of being struck.

1886. As regards the same skull, if the line of passage in the skull were the chord of an arc, less than a semi-circle, would there be more or less, or only the same probability of the bones forming the arc, being cracked or broken, than or as, if the ball had passed through the centre?—If the chord of the arc had been less than a semicircle, there would have been more probability, I think, of the bones of that arc being broken; but I do not think that such an injury could have been inflicted by a ball on a skull during life.

1887. As regards skull No. 3, how long after death must the wounds be inflicted, to enable you to judge whether they were inflicted before or after

after death, and what is the "character" of the injuries which, you said, induced you to think they were inflicted after death?—Generally speaking, on a living skull, or as long as the rigor mortis, or stiffening after death continues, I should expect a very different wound to be inflicted, by an Enfield rifle bullet, than this. What I mean is, that as long as the rigor mortis continues, the wound will assume the same appearance as that inflicted on a living skull. Rigor mortis may continue for three days at most.

1888. *By Prosecutor.*] How does the rigor mortis affect adult bones?—Rigor mortis affects the muscles only, and has nothing to do with the bones; young or adult.

1889. Then what were the characteristics of the bone wounds in the skull, which enabled you to form an opinion as to the wounds not having been inflicted during life, or pending the rigor mortis?—During life, or pending rigor mortis, a rifle bullet which passes through and through a skull, at the distance I named, 11 paces, makes a clean hole without the cracking of the bone or causing a large irregular opening; and does not separate the sutures, as it does in a dead or dry skull. Dr. *Bowerbank.* 23 Nov. 1866.

The Prosecutor consents to the temporary suspension of the cross-examination of this Witness, who therefore withdraws, and—

Thirty-first Witness for Defence recalled.

Staff Assistant Surgeon MORRIS, being recalled, is questioned on his former oath, by the Prisoner and with the sanction of the Court:

1890. *By Prisoner.*] WHEN was the rebel whose skull you showed to Dr. Bowerbank and Dr. Kerr, shot or buried, and when was the head exhumed; speak as to your own knowledge; how long has the skull been in your possession, and from what parish did you get it?—He was shot on the 11th October 1865 by the volunteers at Morant Bay; I buried him on the morning of the 13th at daybreak. The head was exhumed in August last, I cannot tell the date; but it was the same day on which Mr. Herschell was exhumed. It was in my possession from the time of exhumation till I gave it to Dr. Kerr in Morant Bay; and it has remained in his possession since then; I got this skull in the Parish of St. Thomas-in-the-East; I was present when this head was exhumed. Staff Assistant Surgeon *Morris.*

Before withdrawing, the Witness requests the Court's permission to correct an error in his evidence given in reply to Question 1832, with regard to a date. The burial of Mr. Herschell to which he speaks should have been on the 13th October 1865; and the burial of the first parties on the 12th.

[The Witness withdraws.

Thirty-third Witness for Defence recalled.

Doctor BOWERBANK is recalled, and requested to reply, as part of the Examination in Chief, to the latter part of Question 1883; the question being first read to him to refresh his memory.

Answer.] THE skull in question was a very dark-coloured skull, and had no smell about it, which was explained by its having been kept in a solution of chloride of zinc. In some of its cavities were the remains of the old ova of insects, and within it was a large loose black body, which, on a very superficial examination, I believe to be brain, dried brain.

The cross-examination is resumed.

1891. *By Prosecutor.*] Have you not known of sutures never actually joined, say, of the frontal bone, at all during the lifetime of persons who had been of adult age for many years?—Very few cases; in hydrocephalous persons, the sutures rarely join; but very few of those persons grow up.

1892. No. 3, skull. When you said that no bullet could produce the injuries to No. 3 skull, did you mean that in your opinion no part of the injury could have been done by a ball, or that one ball could not have inflicted all the injury?—I say that a ball might have gone through, when I pointed out the positions in which it might have been fired at. Dr. *Bowerbank.*

1893. Do all the osseal processes unite with the chief bone at the same age?—No, by no means.

1894. Could such union of the processes with the principal bone be delayed by local disease? or if already such union be completed, might local disease disunite the two?—Decidedly; disease may protract the joining of the epiphyses; and disease, and particularly violence, may separate the epiphyses when partially united.

It being now four p.m. the court adjourns till 10 a.m., to-morrow 24th instant.

THIRTY-SECOND DAY, 24th November 1866.

On Saturday, the 24th November 1866, at 10 a.m., the Court re-assembles, pursuant to adjournment: Present the same members as yesterday; and proceeds with the cross-examination of Dr. BOWERBANK.

1895. *By Prosecutor.*] WILL you show to the Court the bones, one of which has been called the acromion process, and which you say are in excess of the three skeletons? Dr. *Bowerbank.*

The Witness produces the three small pieces of bone (obtained from the prosecutor), which had been previously pointed out to the Court by Dr. Manners, a former witness, and states

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states that to the best of his belief, they are what he described them to be, in giving his evidence, two acromion processes of a pair of scapulæ, and the ramus and coudyle of the lower jaw, part of the ramus.

At the prosecutor's request, these bones are marked with ink by the Deputy Judge Advocate, Nos. 1, 2, and 3. No. 1 is the ramus; 2 and 3 the processes.

1896. Can you undertake to state positively that they are human bones?—I have expressed my opinion, what I believe, without any analysis or minute examination.

1897. Are not the termini or natural edges of these bones (the two acromia of scapulæ), and of part of the ramus and coudyle of the lower jaw (as you describe them) wanting; wholly, or to what extent specifically?—My opinion is, these are two acromia processes, and from the appearance of the flat edge of each, I think they are old fractures that have not been united by callus or new bone. This is not at all an unfrequent occurrence. The natural edges are not wanting.

1898. Are the ratios of the animal and mineral components of bone the same in all animals, or even in all vertebrate animals?—Decidedly not. They vary in all, according to age; and if buried, then according to the length of time they have been buried.

1899. Apart from age, is the chemical and mineralogical composition of bone in all animals the same?—Yes, for the most part it is; it may be said to be.

1900. *By Prisoner.*] Did you see on the bones produced any marks of disease, or violence, to protract or separate the joining of the epiphysis, to any such possible extent as would account in any way for the appearances of the bones produced for the prosecution?—I did not; rather the contrary. On the tibias of No. 3 skeleton, is a node or effusion of bone, the result of inflammatory action, which I considered, as regarded that particular bone, might be the cause of the early junction of the epiphyses.

1901. *By Court.*] What are the grounds upon which you give, as your opinion, that the skeleton to which No. 2 skull belongs has been longer in the grave than the others?—From its appearance; it is fresher; the bones, or the majority of them, appear to me to be less acted on than the skeleton. There has been a misunderstanding about the number of the skull. In my notes they are numbered differently to the numbers they now bear. The skeleton of the skull which I now hold in my hand, and which is marked No. 2, I have all along considered to have been longest in the ground; and I am led to this belief from its general appearance, the light and disintegrated nature of the bones, especially the ribs, tibia and vertebræ.

1902. What are your grounds for thinking that the decomposition of the soft parts of the skeleton to which No. 3 skull belongs did not take place in the same grave with the others?—From the very different appearance of the greater part of the bones; from the different colour of the greater part of the bones, and because the greater portion of those bones contained a lesser portion of adipocire than the others. I believe that the decomposition of the soft parts of that skeleton took place in another grave and in another soil.

1903. In what description of soil was Jones, the convict, buried?—In a brick mould.

1904. Is that soil conducive to decomposition, or the contrary?—Brick mould varies so much; and as I have never seen the grave in question, I cannot answer the question.

1905. Was the decomposition of Jones' remains greater or less than or such as, from your previous experience, you would have anticipated, considering the time the body had been in the grave?—The decomposition, I have no hesitation in saying, was much quicker, much more advanced, than I should have anticipated. I was perfectly surprised to find the bones of the pelvis separated.

1906. You have stated that the day before yesterday you saw a large portion of Jones' body, and were struck with the great change which had taken place in the bones you had previously seen; will you tell the Court when you first saw the bones, and will you explain the change you allude to?—It was on the 7th or 8th November I first saw a portion of Jones' skeleton. I went up to camp the day before yesterday, and on examining it, I found a great change, caused by the mouldering and falling off of the ligaments in powder, and the dried and shrivelled up appearance of the soft remains.

1907. To what do you attribute this change?—To exposure to atmosphere, and consequent more rapid decomposition.

1908. Can you tell, from the appearance of the three skeletons in the engine-house, whether there was any difference in their respective heights?—Yes. I saw the measurements, but took no note of them. One of them, however, was much taller than the others; I think it was the skeleton belonging to No. 2 skull.

The Witness requests permission to add to his evidence given yesterday in reply to Question 1874, that he found in the boxes no powdery substance, the product of decomposition.

[The Witness withdraws.

Thirty-fourth Witness for Defence.

IZETT WILLIAM ANDERSON, M.D., of the University of Edinburgh, practising in Kingston, being duly sworn, is questioned by the Prisoner.

I. W. Anderson.

1909. *By Prisoner.*] ARE you a member of the medical firm, "Bowerbank, Campbell & Anderson," of Kingston?—I am.

1910. Have you seen in these barracks the bones produced as the bones of three men, said to have been shot by soldiers near the Iron Bridge, by Duckenfield, in St. Thomas-in-the East, and if so, when first did you see them?—I have; I saw them first on the 31st October.

1911. Have you recently been in St. Thomas-in-the-East, and near the Iron Bridge and Plantain Garden River Post Office?—I have.

1912. Was

1912. Was the grave in which these bodies a said to have been buried, pointed out to you recently by a person on the spot, in St. Thomas'-in the-East?—It was, on T——

Prosecutor objects to the question, as it is hearsay, and not on oath. The person who showed the alleged grave, should pledge his oath to the truth of his statement, and assume a legal responsibility for a possibly false misrepresentation, which he would not now be liable to.

The Prisoner replies, that the Court must first hear the answer to this question, and then the Court will see who the person is, and whether he was likely to give correct information. The Witness is only asked as to what he actually saw on the spot. It is the first time in a court of justice that it was ever heard that a witness cannot speak as to what he actually saw, and describe what he saw. The Court will see by description and evidence whether the spot in question is the grave alluded to by the prosecution. The question of the worth of evidence is no objection to its reception.

I. W. Anderson.

24 Nov, 1866.

The Court is cleared for deliberation.

While the Court was closed, one of its members, Captain Walters, 44th Regiment, was suddenly seized with indisposition, at 12 noon.

The Court was therefore opened, and it was announced that the Court adjourns till 10 a.m. on Monday 26th instant, and that the consideration of the subject which had been under discussion would then be resumed.

Thirty-third Day, 26th November 1866.

On Monday the 26th November 1866, at 10 a.m., the Court re-assembles pursuant to adjournment.

Captain Walters, 44th Regiment, being absent, the Deputy Judge Advocate accounts for his absence by producing a medical certificate signed by Staff Surgeon Woodman, M.D., which is read in Court, marked L., signed by the President, and attached to the proceedings.

The Court adjourns till 10 a.m. to-morrow, 27th instant.

Thirty-fourth Day, 27th November 1866.

On Tuesday the 27th of November 1866, at 10 a.m., the Court re-assembles, pursuant to adjournment, and the whole of the members being present, proceeds, with closed doors, to decide on the objection raised by the prosecutor, and the reply of the prisoner, relative to the Question 1912, put to the witness, Dr. Anderson, on Saturday 24th instant.

The Court is re-opened, and its decision announced that, in its present form, the question is objectionable, and is not therefore to be replied to.

The Court remarks that the prisoner appears to have misconceived the objection of the Prosecutor, and has replied in a manner wanting in respect to the Court, and in courtesy to the Prosecutor. The Court, however, is willing to believe that this was unintentional on the part of the Prisoner, and due to the hurry with which the reply was framed.

The Examination in Chief of Dr. Anderson is proceeded with.

1912*. *By Prisoner.*] On your return from St. Thomas-in-the-East, did you pass over the Iron Bridge, near the Plantain Garden River Post Office?—I did.

1913. From that post office did you go anywhere on the same day, before you finally left the post office?—I did.

1914. Did you take notice of a logwood fence and a bamboo hedge?—I did.

1915. In that logwood fence did you take notice of a dry bamboo draw rail?—I did.

1916. Did you go through that bamboo draw rail into a field?—I did.

1917. Will you look at the plan produced on oath for the prosecution (*marked* E.), and at the spot marked "grave"?—(*Witness complies.*)

1918. To the best of your knowledge and belief, did you on that occasion, go to a spot which is identical with the spot marked grave, in the plan sworn to?—Yes.

1919. How did you get to the spot to which you went, and which you state is the place marked "grave" on the plan?—I stooped under the bamboo draw rail, and went straight to the spot.

Dr. *Anderson.*

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1920. Did you take anything from that spot of which you speak; and what; and can you produce it?—I took two handsful of earth from the spot, which I can now produce to the Court.

1921. Do you know, and have you seen the spot from which the body of "Jones," near Up Park Camp, was taken?—I have; I saw some of the bones exhumed.

1922. What is the nature of the soil which you took out of the spot in St. Thomas'-in-the-East, and the nature of the soil in "Jones'" grave?—I should say they are very similar, except that perhaps the soil from St. Thomas-in-the-East contains a little more alluvial deposit.

1923. Is the soil about the spot in St. Thomas'-in-

Dr. *Anderson.*

27 Nov. 1866.

in-the-East, described as the "grave," damp or dry, or so near water as to hasten decomposition?—When I saw the spot, it was perfectly dry; there were no pools of water to be seen near it; it was about 30 or 40 yards distant from a river, but elevated about 15 feet above the level of water in that river.

1924. Did you measure the distance across the road from the bamboo rail to a bamboo hedge growing; if so, what did you find it to be?—I paced the distance, and found it to be nine paces.

1925. How long have you been in practice in the West Indies?—About seven years.

1926. Did you make a list of the bones produced; what did you find deficient or extra, for three bodies?—I examined the bones, and found upwards of 140 bones missing to complete three skeletons. I found three pieces of bone which I could not identify as belonging to either of the three skeletons.

1927. Have the kindness to look at the bones marked in ink, Nos. 1, 2, and 3, and state to what portion of a skeleton you believe them to belong?—I believe the portions marked 2 and 3, to be portions of the acromion processes of two scapulæ; the portion marked No. 1, I can hardly give a definite opinion about. I think it may possibly be a portion of a lower jaw bone.

1928. Do you or not, consider that the worn edges and surfaces of 2 and 3, are naturally dependent on the length of time the bones have been dead and buried; are the edges natural?—I think the worn edges can be accounted for, by having been buried a long time.

1929. Is it or not the fact, that a fractured acromion process unites only by ligament, and not by bone; is there a reason for this?—A fractured acromion process in almost all cases unites by ligament, in consequence of the continual movement of it produced at the shoulder joint.

1930. Have you seen an united fracture of the acromion process of the scapula; if so, did the acromion process at all resemble the bones marked 2 and 3?—Yes, I have; they did resemble the bones marked 2 and 3; and I can produce the piece.

1931. Having seen the bones in the engine-house, what is your opinion as to the length of time during which those bones must, in all reasonable probability, have been interred; do you think they could only have been 11 months and four days; state your reasons?—I think the bones now in the engine-house have been buried for a much longer period than 11 months and four days, and I found my opinion on the following facts: the general appearance of the bones, their lightness, and the small amount of animal matter they evidently contain; the fact that they are perfectly free from the smallest traces of cartilage or ligaments, that there is no trace of the soft tissues still attached to them, except a few small fragments of adipocire; the fact that some of the bones are so rotten and disintegrated, that I can break them down with my finger-nail; the almost complete absence of hair, the empty condition of the skulls; the fact that all the clothing now remaining of those said to be three persons, is about a square inch in size; and the fact that there are more than 140 bones missing, which I can only suppose have decayed. There is no smell whatever about the bones.

1932. You spoke of the bones generally, did you find any relative differences in the bones produced to make up each body severally; were all the bones for the same body of the same age, or length of interment?—I found a difference. I do not think all the bones for the same body are of the same age, or length of interment.

1933. Did you make a test to try whether there really was any animal matter in the bones produced, as the bones of the three men?—I did. I either sawed through one of the thigh bones myself, or it was sawed through in my presence, I forget which, and I introduced my finger into the medullary cavity, and found the interior of it perfectly dry, and free from the slightest odour, or soft animal matter.

1934. Did you test the results on that bone with the results on any other bone?—I did.

1935. Did you test the bone you speak of as being "Jones'," which you saw exhumed from a grave near Up Park Camp?—Yes.

1936. What was the result of your cutting through that bone of Jones'?—On introducing my finger into the medullary cavity, I found a large quantity of soft pasty matter, which emitted a most offensive smell.

1937. What general differences did you find at the time of exhumation, with reference to Jones' body, as compared with the state in which the bones produced as for three bodies, seem to have been?—The bones of "Jones" appear to have been interred for a much shorter period of time than those now in the engine-house. Many of Jones' bones when removed from the grave were found to be still adherent to one another by their ligaments; there were also large masses of fascia attached to many of the bones; the pericranium was nearly complete, and the periosteum was still adherent to many of the bones; there was more hair found in the grave than is in the engine-room, belonging to three bodies. The clothes of Jones, though rotten, were in large pieces, some of them more than a foot square, and the red paint letters were still very distinct on them. There were large masses of soft animal matter in the grave, mixed up with the earth, and they emitted a very offensive odour.

1938. Can you tell the Court whether or not the remains of the body of "Jones" appeared to have been subjected to lime?—I saw small fragments of lime in the grave, but what effect lime has on animal tissues I am not prepared to state.

1939. Could the injuries you have seen on the two skulls have been produced by other means than a conical ball?—I think so.

1940. Do you consider that shots fired at nine, or eleven, or twelve paces, on a level, by, say, from three to ten men, at three bodies, would have done the amount of mischief which appears to have been produced on the two skulls, with all sutures separated or loosened, and with other appearances visible on them; could one ball have done all that mischief?—Before answering the first part of that question, I must know how many balls were assumed to have hit out of the number fired. I do not think one ball could have done all that mischief.

1941. From actual observation are you prepared or not to state whether the curve really delineated on the map produced (*marked* E.), for the logwood fence is correct, or ought it to be more straight or more round?

Before this question was answered the Court is cleared by the President's order for deliberation.

The

The Court being reopened the Witness is directed to answer the question, if the Prisoner wishes it, but the Court reminds the Prisoner that the members themselves have carefully inspected the locality.

The Prisoner requests that the question may be answered.

Answer.—After inspecting the plan, marked E., the Witness states his opinion that the curve of the logwood hedge should be greater than it is represented to be, commencing from a point nearly opposite the abutment of the Iron Bridge, and on to a point about 20 or 30 feet beyond the bamboo draw rail; but that this is merely from observation and not from measurement.

1942. *By Prosecutor.*] How many epiphysic processes do you attribute to each human scapula?—There are two processes to each scapula, the acromion and the corocoid processes.

1943. Do not anatomists differ as to calling the inferior epiphysis a process?—I do not know what is meant by inferior epiphysis there.

1944. In what respects does the epiphysis of the inferior angle of the scapula differ from the acromion and corocoid processes?—The epiphysis of the acromion process is very much larger, thicker, and of a different shape.

1945. Did you dig in the place you supposed to be the grave on Duckenfield, or discover there any human bones?—I did not dig nor discover any bones; I merely scraped two handsful of earth from the surface.

1946. How did you ascertain first that the bones exhumed at the camp were "Jones"; and, secondly, the time they had been buried?—Only from information given me, not from my own knowledge, but I also knew the time "Jones" was buried by reference to a return published in a Blue Book. *Dr. Anderson.* 27 Nov. 1866.

1947. Was "Jones" buried in a coffin?—I cannot speak of my own knowledge. I saw no traces of a coffin in the grave.

1948. When did you first see the bones now in the engine-house?—On 31st October last.

1949. What were the 140 bones deficient?—Bones of the hands and feet; there are more than 140 deficient, I have said, and they are principally bones of the hand and feet.

1950. *By Prisoner.*] Who were present with you when you saw the grave said to be that of "Jones"?—Dr. Morris, and one or two serjeants or privates, I am not sure of their rank.

1951. *By Court.*) Is medical science in an exact state as to the rate of decomposition of bodies; are the observations complete in regard to the climate of this island, or do the particular circumstances of each case of interment so modify even the general principles considered by the profession as established, as to render it impossible to speak positively on the subject'—Certainly not; opinions differ very much on this subject; I believe the observations in regard to the climate of this island are not complete as to the effect on bodies interred.

[The Witness withdraws.

Thirty-fifth Witness for Defence.

No. 1569, Private SAMUEL CHEETHAM, Army Hospital Corps, being duly sworn, is questioned by the Prisoner.

1952. *By Prisoner.*] WERE you present at or near camp when a man of the name of Jones was hung; who supplied the rope; did you see him buried near Up Park Camp; and in what year?—I was; I supplied the rope; I saw him buried near Up Park Camp, and helped to put him in the grave; this was in 1865, in October of that year.

1953. Did you show the grave of Jones to Dr. Morris and other doctors in this year, about November?—I did. *S. Cheetham.*

1954. How did you bury him, in a coffin, or without a coffin?—In his prison dress, without a coffin, and part of the rope round his neck.

[The Witness withdraws.

Thirty-sixth Witness for Defence.

No. 1576, Private DANIELL BRODER, Army Hospital Corps, being duly sworn, is questioned by the Prisoner.

1955. *By Prisoner.*] WERE you with Dr. Morris and Private Cheetham when the body of a man called Jones was exhumed near camp; about what date in November this year was that?—They were with me; it was on the 7th and 8th of this month. *D. Broder.*

[The Witness withdraws.

Thirty-seventh Witness for Defence.

HERBERT FRANCIS ORGILL, residing in the Parish of Portland, Manager of a Grazing Pen, being duly sworn, is questioned by the Prisoner.

1956. *By Prisoner.*] WERE you any relation of the late Rev. Mr. Herschell, who was killed at Morant Bay during the rebellion?—I was; his brother-in-law. *H. F. Orgill.*

1957. Did you assist in the exhumation of his body at or near Morant Bay?—I did. I superintended the exhumation.

1958. When did the exhumation take place?—I may safely say on the 15th August 1866; in fact, I am sure that was the date.

1959. Tell the Court shortly in what state you found the body of Mr. Herschell?—I considered his body in a very perfect state; the flesh was on the body from the throat down to the knee

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joints; one whisker, I may say, was perfect; it hung to the face, and there was a portion of the other.

1960. What depth did you find the grave, and was it a damp or a dry soil where his grave was?—I did not measure the depth of the grave, but I should say it was not more than 8 or 12 inches before we came to the body. I am not intimate with the locality, but I should say it would be damp, as the place was on a level with, and not far from the sea. It was damp at the time of the exhumation, but then we had been having heavy rains before.

1961. Did you see clothes upon his remains while in the grave, about the time of the exhumation: describe them as nearly as you can?—I did; the first thing I saw was a portion of a sheet; when the men cleared the earth off the body, he was lying face downwards. I made the man take him by the shoulders and raise him up. I then saw a white shirt, with his three studs in it, and I succeeded in getting one of the studs. He had on besides a black jacket, and there were portions of his drawers on him.

1962. State, as nearly as you can, the day on which he was killed, or found killed; was he or not amongst the first killed in the first week of the rebellion?—I can only answer that question by what I have heard, as I was not in the locality at the time, but I believe he was killed on the first day of the rebellion, when the Court-house at Morant Bay was attacked.

1963. Was the body in a coffin or not while it was in the grave, and before exhumation in August last?—It was not in a coffin when I had it exhumed.

1964. *By Prosecutor.*] At what part of Morant Bay was this body of Mr. Herschell buried; how far from the Court-house which was burnt was it?—It was buried down by the Wharf-road; the Court-house is elevated above it; I suppose about 30 feet above.

1965. Are you sure it was a sheet you saw first, or was it a blanket?—I saw no blanket; the first thing I saw was a sheet, a cotton sheet, a portion of a sheet, as I stated before.

1966. What was this grave covered with; was there any lime?—There was lime about four or five inches below the surface.

[The Witness withdraws.

The Prisoner requests that he may be granted time, till Thursday morning, 29th instant, for the purpose of preparing a written address.

The Prosecutor states that, as new matter has been introduced, he wishes, with the sanction of the Court, to call rebutting evidence, and, if there be no objection, he proposes to call this evidence at once, before the Prisoner reads his address.

The Prisoner objects to any evidence whatever being now given on the part of the Prosecutor.

The Court is cleared for deliberation, and being reopened, its decision is announced, that the delay asked for by the Prisoner for the preparation of his address shall be granted; that the ordinary practice of courts-martial must be adhered to, that is, that the Prisoner shall make his address, and that, at the proper time, if the Prosecutor applies to be permitted to bring in rebutting evidence against new matter, his request shall then be considered on its merits.

Twenty-eighth Witness for Prosecution recalled.

Assistant Surgeon KERR, 2nd Battalion 6th Regiment, being recalled by the Court, is questioned, on his former oath.

Assistant Surgeon *Kerr.*

1967. *By Court.*] DID any of the persons who exhumed the bodies, under your directions, point out anything as marking the grave, or did you observe how they found the grave?—We walked up towards the grave, and they began to dig at that spot. I observed nothing to mark the place. There was a discussion amongst the men about it, but there was apparently no difficulty in finding out the exact spot.

1968. When you set the skeletons up, were they perfect; if not, state shortly whether there were any bones deficient or in excess, and if so, what were they?—There were no bones in excess; the three skeletons were complete, except some of the wrist and ankle bones of the hands and feet, about 144 in number. There was also one hyoid and a-half bone missing, a bone to which the muscles of the tongue and other muscles are attached, and 28 teeth missing. I made some notes at the side of the grave, and others in the engine-house; time did not permit of complete notes being made at the grave. I corrected my notes on the 2nd or 3rd November, in the engine-house, and then there were no bones in excess.

1969. Look at the small bones, marked 1, 2, and 3; can you give the Court any explanation regarding them?—This bone, marked No. 1, corresponds to the anterior superior spinous process of the ilium, the ilium being a hip-bone. The bones marked 2 and 3, I cannot positively say what they are.

1970. Will you explain the word "correspond;" is it possible to describe to the Court your meaning, in the absence of the ilium?—If the pelvis is brought up, I can explain my meaning.

The bone in question being produced, the Witness placed the small bone, marked No. 1, in the position he intended the Court to understand, on the ilium.

1971. Can you tell the Court if there was any material difference between the state of the bones as to smell, animal matter adhering to them or otherwise, on the day you exhumed them, and their state on the 31st October last?—The matter which I described as brainy-looking matter, to avoid technicalities, and which is now pointed out to the Court as adipocire, was quite moist. This was when the bones were exhumed, and on taking out two of the heads of the thigh bone out of the cavity of the ilium, the moist adipocire was drawn out by the head of the bone. There was no offensive smell, and at the bottom under one of the bodies, there was a large piece, apparently of skin; it was white and glistening above, and of a black colour underneath. I directed one of the men to take it up carefully on his shovel; it rolled up, and was put on the side of the grave; but by the time the bones were put into the boxes, there was scarcely a vestige of it left. The bones were much

much dryer on 31st October than they were when exhumed, and the adipocire was also dryer.

1972. Under which skeleton was the supposed piece of skin found?—It was either under No. 1 or No. 2 body, certainly not under No. 3.

1973. Have you observed any appearances in No. 3 skeleton from which you could form an opinion as to whether there was any difference of age in the bones, or difference of time in their interment?—I observed no such difference.

1974. You have placed the small bone, No. 1, on the ilium; can you explain to the Court the difference of colour between the bone and the ilium?—I cannot explain this difference of colour, except it be that the small bone has been handled a great deal more than the ilium itself. Assistant Surgeon *Kerr.* 27 Nov. 1866.

1975. Can you state upon which skeleton the belt was found?—I cannot.

[The Witness withdraws.

Third Witness for Prosecution recalled.

HENRY CLARKE, being recalled by the Court, is questioned on his former oath.

1976. *By Court.*] EXPLAIN to the Court how you made this plan, marked E.; were any instruments used; and if so, what instruments; at what point did you begin?—The first instruments I used were a prismatic compass, and a measuring tape. I first commenced my observations at the spot marked "shed," and then I went over to a point opposite, in the logwood hedge, at the end of the dividing bamboo fence, across the grass field, and took them again, so that one set of observations should check the other. I got the curve of the road and hedge by fixing points in the hedge with the prismatic compass, and then measuring the distances with the tape. I had a boy with me for the purpose; and I also took a line from the bamboo draw rail to the corner of the Post-office, marked with a cross; the south-east corner; and from that line I took offsets for the curvature. I figured all these measurements down in my pocket-book of both sketches I have named, and worked it out by scale when I got back to camp. I took about five or six of these offsets; that is, I went 10 yards or so, and took one, and then another ten yards or so, and took a second, and so on. *H. Clarke.*

[The Witness withdraws.

The Court then at 3 p.m. adjourns till 11 a.m. on Thursday, the 29th instant.

THIRTY-FIFTH DAY, 29th November 1866.

On Thursday the 29th November 1866, at 11 a.m., the Court re-assembles, pursuant to adjournment: Present the same members as on 27th instant.

Prisoner's written Address.—The Prisoner hands in a written address, which he begs the Deputy Judge Advocate to be good enough to read.

This request being complied with, the Address is marked M. signed by the President, and attached to the proceedings.

Prosecutor's Request to call rebutting Evidence.—The Prosecutor now applies to be permitted to call in rebutting evidence to new matter introduced in the defence. He urges that in the first instance he was bound only to make out a *primâ facie* case, not to speculate, in anticipation, on all or any conceivable answers to it, by inference. Such latter course might be almost endless, and must to a large extent have been futile, by negativing at first, grounds of defence not eventually relied on, and probably never intended to be relied on.

The Prosecutor is, it is submitted, entitled to rebut or to explain so much of the prisoner's evidence given, as was not necessarily notified by the charge and plea on their face, and in their nature. The Prosecutor consequently claims to question, qualify, or contradict the evidence implying that the bones exhumed included some that must have belonged to a fourth skeleton; and that the mass of those produced as the bones of the three men said to have been shot, could not have been such, according to inferences from scientific testimony.

The Prosecutor would remark, that though Dr. Kerr was called by him, he was not called as a scientific witness, but merely to prove the exhumation and the custody of the bones produced.

Prisoner's Objection to rebutting Evidence.—In reply to this application, the Prisoner hands in a written paper, which is read in Court by the Deputy Judge Advocate, marked N., signed by President, and attached to the proceedings.

Court's Decision.—The court is cleared for deliberation.

The Court being reopened, its decision is announced; that, as regards the application urged by the prosecutor, that part which refers to the evidence implying that the bones exhumed included a portion of a fourth skeleton, is new matter, which could not reasonably have been foreseen by the prosecutor, and that on that point only can rebutting evidence be adduced.

Twenty-ninth Witness for Prosecution.

The Prosecutor thereupon calls ALEXANDER FIDDES, Fellow of the Royal College of Surgeons of Edinburgh, practising in Kingston, who being duly sworn, is questioned by the Prosecutor.

1977. *By Prosecutor.*] How long have you pursued your profession, and where?—Over 20 years in Kingston; 23 years, I think. *A. Fiddes.* 29 Nov. 1866.

1978. Will you look at the three pieces of bone now produced to you, and state whether or not, you can identify any of them as portions of any of the three skeletons now in the engine-room of these barracks?—I identify this piece of bone

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bone marked No. 1, as being the anterior superior spinous process of the right ilium, or haunch bone, in the skeleton, which I think is No. 2, and which lies to the south of the engine-room, and on the left side as you enter. I have seen the pieces of bone, 2 and 3, before, but I cannot identify them as belonging to either of the three skeletons.

1979. *By Prosecutor.*] Will you affix No. 1 to the portion of the ilium, to which you say it belongs?—

Witness complies, affixes the bone on the ilium as requested, and shows the same to the Court.

1980. Can you state what bones the other two are, Nos. 2 and 3; can you identify them as parts of any human skeleton, or do you believe they can be so identified?—These two pieces of bone have a resemblance to the extremity of the coracoid processes of the scapula, but I am not at all certain that they really belong to such portion of the skeleton. I am not certain.

1981. When did you first see these three bones in the engine-house of these barracks?—I did not see them till a few days back; perhaps some three or four days ago.

1982. When did you first see the skeletons in the engine-house?—

The Prisoner objects to this question, and the Prosecutor withdraws it.

The Prisoner declines cross-examining this Witness, and he accordingly withdraws.

Thirtieth Witness for Prosecution.

JAMES SCOTT, Member of the College of Surgeons of England, practising in Kingston, being duly sworn, is questioned by the Prosecutor.

J. Scott.

1983. *By Prosecutor.*] How long have you been practising surgery?—Twenty-seven years.

1984. Look at the three bones now produced to you, and say when first you saw them, and what you consider each of them to be?—I first saw these bones on Friday last in the engine-house, where three skeletons were lying. I observe this No. 1 to be a portion of one of the bones of the pelvis, that is attached to that portion termed the ilium. I found it belonged to the right ilium of one of the skeletons. The other two bones marked 2 and 3, I have also examined, but I have not been able to make out to what part of the human subject they belong.

The Prisoner declines cross-examination.

[The Witness withdraws.

The Prosecutor requests that he may be allowed time for the preparation of his reply, till 11.30 a.m. on Monday 3rd December 1866.

The Court grants the application, and adjourns till Monday next, at 11.30 a.m.

THIRTY-SIXTH DAY, 3rd December 1866.

3 Dec. 1866.

ON Monday the 3rd of December 1866, at 11.30 a.m., the Court re-assembles pursuant to adjournment: Present, the same members as on the 29th ult.

The Prosecutor reads his written reply to the prisoner's address; and it is marked O., signed and attached as usual to the proceedings.

The Prisoner claims his right to a rejoinder on the rebutting evidence brought forward by the prosecution, and requests the Court to allow him briefly, and in general terms, to address them upon the Prosecutor's reply.

This application having been acceded to, the Court adjourns for half-an-hour, to enable the Prisoner to prepare his remarks in rejoinder.

At 12.30 p.m., the Court reassembles, and the Prisoner hands in two written papers, which at his request are read by the Deputy Judge Advocate, marked P. and Q. respectively, signed by the President, and attached to the proceedings.

The Deputy Judge Advocate then begs that the Court will adjourn till 12 noon, to-morrow, to enable him to close his "summing up," which of course he had been unable to do till he had heard the final remarks on the part both of Prosecutor and Prisoner.

This request being granted, the Court at 12.40 p.m., adjourns till 12 noon To-morrow, the 4th instant.

Thirty-Seventh Day, 4th December 1866.

On Tuesday, the 4th December 1866, at 12 noon, the Court re-assembles, pursuant to adjournment: Present, the same Members as yesterday, and the Deputy Judge Advocate at once proceeds to deliver his "summing up" in the following terms: 4 Dec. 1866.

SUMMING UP by Deputy Judge Advocate.

Mr. President and Gentlemen,

Summing up.

The proceedings have now arrived at the stage at which it becomes my duty to sum up the evidence, and give my opinion upon the law, in regard to the case before you.

This trial has now entered upon its 37th day, and you have had before you 67 witnesses. As the case differs widely from those which come within our ordinary experience on courts-martial, and as the evidence is most conflicting, I must ask your attention for longer than is usual to the remarks which I have to offer. And should you think that in those remarks I am entering into the details of the case at a length and with a minuteness rendered unnecessary by your own close and unwearied attention throughout, I can only say that I do so after mature consideration, and in the hope, by putting together the evidence of the different witnesses on each point, of lightening your labour, and discharging the duty I owe you of rendering you all the assistance in my power. The charge upon which Ensign Cullen stands arraigned is for "scandalous conduct." It is framed upon the 79th article of war, and the penalty attached to the offence is cashiering. The prosecutor, in his opening address, has remarked that it might seem as if such a charge as scandalous conduct, and such a penalty as cashiering, were hardly adequate to the crime of cruelly and wantonly causing three men to be put to death, and as if it would have been better that a charge of wilful murder should have been preferred before a civil tribunal, adding that all such inquiries are irrelevant to our duty. With these concluding words you, I doubt not, will fully agree. Once satisfied that you are competent to deal with the charge, you will have no wish to look beyond the order under which you are assembled. But as this remark has been made, I think it right to remind you that a court-martial can deal with the case only as one of scandalous conduct; and by whatever other term the act charged might more strictly be designated, it certainly is "scandalous conduct." And I shall not trespass beyond my province in adding that, whatever may be the reasons which decided the competent authorities in England to bring the case before a court-martial, no other tribunal could offer the guarantees for a thorough and impartial investigation of it which are offered by this Court. Sitting in Jamaica, the Court has been able to have a view of the locality of the alleged crime, by means of which it can test the accuracy of the witnesses brought before it; and the prosecutor and the prisoner have had the advantage, of which both have availed themselves, of procuring such additional evidence as they have considered necessary during the course of the proceedings. You have been sent out specially from England, and are, therefore, not only free from the partizanship of which actors in the transactions of last year, and even bystanders, can hardly divest themselves, but you are above the suspicion of it. As officers liable yourselves to be called upon to execute martial law on the one hand, you will carefully protect the honour of the service from any proved excesses; and, on the other, you will sympathise, to a degree that the members of no civil court could, with the position of the prisoner.

The charge alleges the act to have been done on the 21st October 1865, in the county of Surrey, in the Island of Jamaica, during the continuance of martial law, and in a district over which martial law then prevailed. Mr. Jordan proved that martial law was proclaimed on the 13th of October 1865, and continued for 30 days in that district. He also produced the Act of Indemnity, passed after the insurrection, as now the law of Jamaica. Q. 15. Q. 17.

It will not be necessary for you, in dealing with this case, to consider the exact limits of the duties of an officer, and of the immunity to which he is entitled for his acts in a time of martial law, because the charge alleges the act to have been done, not in good faith, for the purpose of suppressing the insurrection, or for the preservation of the public peace in the island. Good faith is a part of every duty, and an officer doing an act not in good faith would deprive himself of the immunity to which he would be entitled had the same act been done by him in good faith. It will be enough, therefore, for me to speak in general terms. Martial law differs from the military law, which we are generally called upon to administer, inasmuch as it overrides the ordinary course of law; it has no written practice, and it extends to civilians as well as to the military. It is a rule of necessity, resorted to for the public safety, upon the judgment of the Executive Government. The duty of an officer called upon to execute this rule of necessity, is to execute it firmly, faithfully, and with as much humanity as the occasion allows, according to his conscience and good sense. While acting in this manner he is entitled to immunity for his acts. But he is thus placed in a difficult position, and when afterwards his conduct comes under investigation, it ought to be favourably interpreted, and allowance should be made for the happily exceptional nature of the position, which affords but few precedents for his guidance, and for the involuntary errors which the best and most humane men may commit when obliged to act promptly and with hardly sufficient time for reflection. Still it must be remembered also, that when an officer is entrusted with unusual powers, Q. 18.

he is bound by that trust to do his utmost to use them faithfully. He owes this to his country, which has placed confidence in him, and to the service, whose honour and character are concerned in his discharging his duty uprightly.

As it is important that the Court should appreciate fully the effect both of the proclamation of martial law and of the Act of Indemnity, I think it safest to state the law as laid down by the law officers of the Crown.

They have advised that, as regards all acts done by or under military authority, the proclamation of martial law in Jamaica operated within the proclaimed district to give as complete an indemnity as the Indemnity Act itself.

The Court will thus see that the Act of Indemnity gives the additional sanction of a statute to the protection already existing, and assists in marking out the limits of that protection. On this last point the law officers have advised that the effect of the Act of Indemnity would not be to cover acts done by subordinate officers without the orders of superior authority, unless they were done in good faith and under a belief, reasonably entertained, that they were proper for the suppression of the insurrection and for the preservation of the public peace in the island. The charge alleges the act for which the prisoner is on his trial to lie beyond these limits. The words, "in good faith," require your attention. Mistakes, even blameable mistakes, ignorance even culpable, do not of themselves make an act done in consequence of them "not in good faith." Either of these, with other circumstances, may be evidence to prove an act done "not in good faith," but they are not more. In order for an act to be done "not in good faith," a man must know his duty or wilfully remain ignorant of it, and violate it either for the gratification of his passion or from moral cowardice, or in that reckless disregard of it which we commonly understand by the word "wantonly."

In arriving at your finding in this case, you will have two questions to decide.

First—Did Ensign Cullen cause the men named in the charge to be shot?

Secondly—If he did, did he do so cruelly, wantonly, and wrongfully, and not in good faith, as now defined, for the purpose of supressing the insurrection, and for the preservation of the public peace in this island?

I will now go through the evidence, submitting to you such remarks as I hope may assist you.

Q. 20. Captain Hole, 6th Regiment, who was in command at Manchioneal in October 1865, states that, in accordance with orders received from Brigadier General Nelson, he detached a party, and saw it march off at 5 a.m. on the 21st October, under the command of Ensign Cullen, with Assistant Surgeon Morris in medical charge, for the Plantain Garden River Post-office.

On mentioning the name of Assistant Surgeon Morris for the first time, I must express my regret that it has been necessary to bring it so prominently into this case. I have, during the trial, suggested the withdrawal of questions in which he was named, and my suggestions have always been complied with; but I could do so only in a few instances, for fear of interfering with the conduct of the case. The alleged relations of the two officers are so involved that both the prosecutor and the prisoner, though anxious, I fully believe, to keep out his name when they could, have found it impossible to avoid introducing it constantly; I now find myself under a similar necessity.

Q. 650. The distance from Manchioneal to the Iron Bridge is stated, by Manning, the postmaster, to be nine or ten miles; not more than ten. The detachment appears to have arrived
Q. 540. there about nine a.m. This time may be considered as certain, it being fixed by Manning,
Q. 1210. 1212. by Police Sergeant Drysdale, and by Wolstenholme, then the senior non-commissioned
Q. 1470. officer with the detachment. On their arrival, according to Manning's account, Assistant
Q. 540. Surgeon Morris went into the room adjoining the shop and lay down on the table; Manning brought him some Florida water to bathe his head. Ensign Cullen asked Manning what assistance he could afford him to take Dr. Morris away, as he was suffering from fever; and Manning replied that the only vehicle he had was broken. This substantially agrees with the evidence of Maddix, who says that Dr. Morris was sick, and
Q. 1559. Q. 1561. that Florida water was brought to him; and with the evidence of Dr. Morris himself, who
Q. 1826. states that he was suffering from sunstroke, and that when he left the post-office he got
Q. 1829. up under the belief that Mr. Cullen had obtained a cart for him, which he had endeavoured to procure. So far the accounts for the prosecution and the prisoner agree; from this point they become contradictory.

Before going further, it will be convenient to compare the evidence as to the length of
Q. 651. time the detachment remained at the Iron Bridge. Manning says that, to the best of his recollection, the soldiers left in the afternoon; it might have been two or three o'clock;
Q. 1473. the day was advanced. Of the soldiers who speak to the time, Wolstenholme says they
Q. 1574. 1607. remained about three hours; Gordon and Blythe both say the same; Maddix says the
Q. 1553. main body left about 12 noon, but that he is not certain about the hour. These four,
Q. 1369. therefore, place the departure about noon. O'Connor says they remained about three or
Q. 1431–1454. four hours; Hunter says that he reached Golden Grove at nine a.m., and that Ensign
Q. 1529. Cullen came up not more than three quarters of an hour afterwards; Leslie, on the other hand, says that they started from the Iron Bridge at three p.m. Turning now from the soldiers to the volunteers, who came from Morant Bay and met them at Golden Grove,
Q. 1292. we find that Captain Astwood and Mr. Harrison put Ensign Cullen's arrival at three p.m.,
Q. 1045. or a little after. Mr. Chisholm cannot state the time exactly, except that it was between
Q. 1081. three and five p.m. Mr. Berry, one of the troopers sent forward to call in Ensign
Q. 1230. Cullen, says that he left the post-office with him for Golden Grove at 2.30 p.m., or thereabouts. The latter are some of the most reliable witnesses for the defence, and their

evidence

evidence fixes Ensign Cullen's arrival at Golden Grove about three p.m., showing that he remained at the Iron Bridge over five hours, and that the soldiers who have spoken on the point have considerably underrated the time, with the exception of Leslie. So far, then, the evidence of the volunteers confirms that of Manning and Leslie. In weighing, however, how far this inaccuracy on the part of the other soldiers affects their general testimony, the Court will, I doubt not, remember that soldiers, speaking from their recollections of what occurred a year ago, cannot be expected to be exact as to the time of a halt.

During this time, according to the account of the prosecution, Bryan, a book-keeper on Duckenfield Estate, and two constables, Wills and Colson, brought the three prisoners named in this charge to the post-office; a fourth prisoner, Francis, who has been brought before you as a witness, says that he himself escaped; but I will not detain you with his evidence. Bryan, and Anderson, a teacher, then stopping at the post-office, the only witnesses who speak as to the time, say that the prisoners were brought to the post-office about 12 o'clock, or mid-day. Manning does not fix the hour. Bryan states that he saw Ensign Cullen, and said to him, "The men have stolen nails and other things from the estate; I beg of you, you will flog them, and let them go;" and that Ensign Cullen answered, "I will go and call the doctor;" and that the doctor came out, and Bryan repeated the same words to him. Wills and Colson state the same. Q. 230. Q. 110. Q. 162. Q. 211. Q. 259. 660. Q. 541. Q. 233. Q. 119. Q. 167.

The soldiers, who are represented by other witnesses, as excited—"All happy" is the expression of Speed; "Full of glee," according to Manning—had taken the prisoners from Colson, according to his account, and they then tied them to one of the posts in front of the post-office. Q. 444. Q. 542. Q. 167.

Neither Bryan, Wills, nor Colson, say anything about preparations being made for flogging the prisoners, though other witnesses introduce the preparations as made at this time; and those three must probably have seen the making of the cat, if it took place outside the shop, as stated.

Speed, a constable at Holland Bay, says that, after the officer and doctor came out of Manning's closet, they asked Manning for twine, which he gave to the doctor; that they walked together towards the bridge, and that on their return the cat was stopped: Manning's account is that, soon after the constables had spoken to Ensign Cullen, one or two of the soldiers came into the shop for twine, which he gave to one of them, who went outside, making the cat; that, at this time, Dr. Morris rose from the table where he was lying, and went outside to Ensign Cullen in the road, and whispered to him, and that then the soldiers said, "The men are to be shot." Manning states himself to have been in the shop. Q. 444. Q. 541.

Donaldson, Manning's servant, who also represents himself as in the shop, speaks to Manning giving the soldiers twine. He says that afterwards some conversation took place between Ensign Cullen and Dr. Morris, and that the latter gave the order for the men to be shot; that at the time he gave the order he was standing on the shop floor, at the middle door, the soldiers being in the piazza, the witness himself "near enough" to Dr. Morris and Ensign Cullen, "not close, far away in the same office." Q. 434. Q. 357. Q. 357. Q. 435.

The prosecution assigns a prominent part to Corporal Hunter. Speed mentions him as being there when the cat was being made. Anderson speaks of him as tying the prisoners to the post, coming into the shop for twine, of his unloosing the prisoners, and slapping Richard Walton on the mouth on his attempting to speak; and, he adds, that after the soldiers came back from shooting, he saw Hunter's sword with blood and brains upon it. Eliza Phillips says that Hunter took the prisoners, boxed one of them, and went down the road with them before she heard the guns. She represents herself as "family" to Hunter—on cross-examination "cousin." Hunter, in his examination, says that he does not know he has any cousin of the name. Q. 444. Q. 660. Q. 750. Q. 756. Q. 761. Q. 769. Q. 1415.

In weighing her evidence you will probably think it right to consider whether her demeanour was that of a willing or an unwilling witness. Duany also represents Hunter as speaking to and boxing one of the prisoners. 787.

After the order for the shooting was given, if any order was given, the soldiers are described as taking the prisoners down the road to a bamboo rail and tying them to it. Q. 364, 365.

Ensign Cullen and Dr. Morris are represented as going with the soldiers along the road. Hamilton, Manning, Anderson and Duany, however, all say that they do not know whether Ensign Cullen went down to the firing point. Donaldson, who says he himself went part of the way, states that Ensign Cullen went "half part." Bryan, who was on horseback on the road, states that Ensign Cullen went a little way up, about four yards, and then turned back, and afterwards fixed the spot more exactly by saying, that to his knowledge Ensign Cullen was at the place where one road goes over the bridge and the other goes to Holland Estate. Q. 526. 549. 660. Q. 797. Q. 361. Q. 236. Q. 247. Q. 284.

The witnesses who speak to seeing the shooting or some part of it, are Hamilton, Anderson, Donaldson, Bryan, Manning and Duany.

The respective positions of these witnesses is a point of importance, as the defence rests partly on the impossibility of some of them seeing what they allege they saw.

Hamilton states that he stood under the shed of the shop, between the steps and the post, on the level of the road, and that he could not see the prisoners, but saw the soldiers when they fired on the opposite side of the road to the logwood hedge. Anderson says that he went out into the middle of the road, straight in front of the post-office box, where he could see the soldiers range themselves up opposite the fence where the prisoners were tied, but owing to the bend of the road and the thickness of the hedge, he did not see the bodies when they were shot. He places the soldiers just before where the road Q. 510. 523. Q. 524. Q. 511. Q. 497. 511. Q. 660.

Q. 699. bends and prevents you from seeing along it. He says they shot three different times, and the third time Dr. Morris presented a rifle.

Q. 362. Donaldson says he went down the road near enough to see who tied the prisoners, that
Q. 366. he was there when the soldiers fired, and saw the prisoners shot.

Thus, these three describe themselves as on the level of the road, but in different positions. The other three describe themselves as above the level of the road.

Q. 233. 239. Bryan says that he was on horseback at the shop-door, and could see only the heads
Q. 239. and shoulders of the prisoners when tied to the bamboo draw rail; that the leaves of a
Q. 235. logwood hedge are thin and very small; that such an object as a man's head could be seen
Q. 283. through the top of a logwood hedge even when not trimmed, and that he saw through
Q. 281. the logwood hedge as if he were looking through the jalousie of the window, to which
Q. 282. he pointed. From that position he saw also the soldiers at the moment of firing, and
Q. 240. 242. the heads drop forward. He heard five reports of guns. Saw four soldiers fire, and then
Q. 268. Dr. Morris took the gun and made the last shot.
Q. 268.

Manning and Duany represent themselves as in the shop. The former says that he
Q. 550. 551 stood at the threshold of the middle door, and that he could not see the bodies of the
Q. 553. prisoners, but only their heads; that he stooped to enable him to see under the roof of the
Q. 603. piazza, and then he could see distinctly from two to 200 yards along the Holland Bay-road; that is, not 200 yards straight along the road, because there is a bend, but that he could see distinctly the head, and, in some cases, the shoulders of a person on the road fully 200 yards off, over the fence. He says the soldiers and prisoners stopped some 60
Q. 605, 606. or 70 yards down the road, and that the soldiers were directly opposite the bamboo rail when they fired. As the testimony of this witness is treated as of importance by both parties, on account of his intelligence and position, I will read you his own words as to
Q. 542. this shooting: "I saw there three heads of the three men who were tied to the fence. I heard the word 'Fire,' and the discharge of the rifles. I saw the head of one man bow down forward after the discharge of the rifles. I heard another discharge of rifles, a second head bowed just in the same manner; a third discharge, and the last man's head fell in the same manner. A little while afterwards I saw Dr. Morris discharge a rifle at one of those men that were shot. Of course I saw the presentation of the rifles to the fence when these men were shot."

Q. 787. Duany says that after the prisoners were taken down the road, he kept himself in the shop, and after hearing two volleys, stepped to the door and peeped out, standing on the
Q. 795. floor of the middle door, and stooping a little because the roof of the piazza was in the
Q. 798. way; that he then saw one man standing against the fence, that is, he saw the head drop
Q. 818. as the gun went off, but could not see the bamboo exactly on account of the logwood hedge; and he could see the man standing against the bamboo, that is, the head and not
Q. 817. the body, and that he could see the soldiers.

The only evidence as to the number of men who fired at each discharge is that of Anderson, who puts it at more than two, perhaps between four or five, but he cannot swear with precision to the exact number. You have already heard Bryan's evidence to the effect that he heard four reports and saw four soldiers fire, but it is not clear whether he means that these four fired in volleys or singly.

Some of the witnesses state that after the shooting, Ensign Cullen and Dr. Morris returned to the shop together.

There are two points which will undoubtedly strike you in this account:

First, the word "Fire," which Manning alleges he heard, is not the word of command which would have been given by a soldier, supposing the firing to have been conducted in a regular manner. To this the Prisoner has drawn your attention.

Secondly, there is a discrepancy among the witnesses as to the number of reports. Anderson seems to make three, Manning four, and Bryan five.

Q. 666. Anderson and Cecilia Robinson went to look at the bodies after the shooting. The first says the brains of one came from the centre of his skull, right down over his face.
Q. 522. The latter took a hurried look, and says Walton's brains were mashed up and the head; a statement in which she is contradicted by some of the alleged burying party, who re-
Q. 233. 256. present Miles as the man whose brains were exposed. On the following day, Sunday, Bryan says he went to look at them, and his evidence calls for notice, because he appears to represent them as tied in a different way from that stated by the other witnesses. He
Q. 256. says that both their hands were tied to the bamboo rail, and that they lay down in a posi-
Q. 257. tion (*illustrated by placing his two hands together and hanging his body away from his hands*), their backs to the road. Upon this point you have heard the explanation of the prosecutor. All the other witnesses who have been questioned on this point, describe them as tied to the rail with their hands behind their back, and their bodies, when dead, as hanging forwards; according to the expression of Charles Robinson, "Bowed upon
Q. 929. their knees."

By thus placing together the statements of these witnesses, you will see that there are several discrepancies in their testimony. It will be for you to consider whether these discrepancies are such as would naturally occur among truthful witnesses, each describing to the best of his recollection the part he saw, or whether they are such as to throw doubt upon the whole account.

The witnesses who state they buried the bodies, are Wedderburn, Taylor, Bayley,
Q. 914. Charles Robinson, Wilkie Huntingdon, and Harriett Warren, who looked on, all from
Q. 924a. Amity Hall, and Bartley from Dalney. As to the wounds, Taylor and Bayley say that
Q. 871. the brains of one came out of his skull over his face; and the latter says they had blood all over their faces. Harriett Warren says the brains fell out of one of the skulls, and

that

that Walton had a wound in the side of his belly, that went in on one side and came out of the other. Bartley, who says he is an African, and that he came to this island with Walton, describes more exactly that Miles had a cut in his head, and all the marrow came out; that John M'Call had a cut in his neck down to his back, and Walton had a shot into his neck and a shot into his belly. Q. 960. Q. 986.

With regard to the time of burial, by comparing the evidence of Peter Phillips, the person to whose house the three prisoners were said to have been first brought on the Saturday morning, with that of Harriett Warren and Manning, it would appear that the burial took place after 10 a.m. Bryan also thinks it was about 10 a.m. He saw the bodies on the Sunday. Q. 84. Q. 884, compared with 1095. Q. 567.

Bayley says they buried the bodies by directions of two black soldiers, and Manning says he spoke that morning to a black soldier, who then went over the bridge, in the direction of Amity Hall; but no time is fixed by either of these witnesses. Q. 271. Q. 923. Q. 564.

According to the evidence, the three bodies were buried in one grave in Duckenfield grass piece, near the bamboo draw rail; and according to Wilkie, "by a bastard cedar stump." They were placed alongside of one another, with their heads to the "westward," according to Bayley, and according to Bartley, the long man, whom he identified as Richard Walton, in the middle. Q. 945. Q. 923.

They had on their shirts and trousers, and one had a leathern strap round his waist. Q. 984.

The persons who say they buried the bodies, were employed on 26th September last to open a grave, which they described as the grave; they stated they knew it by a bastard cedar root or stump. Assistant Surgeon Kerr, who superintended the exhumation, says the men apparently had no difficulty in finding the exact spot, though he himself observed nothing. Q. 839.

The account of the appearance of the skeletons when first found will be fresh in your recollection. He describes the heads as in the direction of the post-office, that is westward, and the skeleton with the perfect skull, as in the middle. Dr. Bowerbank, one of the witnesses for the defence says, that as far as he could see, there was no injury to any of the bones of that skeleton, and one of the skeletons, he thinks this one, was that of a man much taller than the others. You have heard what marks Harriett Warren and Bartley say they saw on the body of Walton, who, according to Bartley, was placed in the grave in the middle, and was the long one. Q. 1879. Q. 1903. Q. 961.

With regard to skull marked No. 1, Staff Surgeon Dunlop, another witness for the defence, says that the wound through the skull might have been caused by a conical bullet from the rifle of a person standing opposite, if the chin were resting on the chest, and the face inclined toward the left, and that assuming the head and shoulders of a man tied, were flexible, his head might have fallen into a position which would have allowed of it. Q. 1859.

The amount of injury done to this skull has been the subject of many questions directed to prove that it could not be the result of a bullet. The evidence of the prosecution, as you have heard, is that one of the skulls had a wound, which was large enough to allow the brains to come right over the face.

Such is the account of the prosecution, and if you believe it, you will probably also consider as proved, that Ensign Cullen was not at the spot with the firing party; that perhaps he did not even see the shooting, but had turned back, and that most probably the order for the shooting, if in the confusion any order, properly speaking, was given at all, before the men were taken down the road, did not proceed from his lips. Q. 666.

The words of the charge are, "causing to be shot;" and taking the most favourable view presented, I am bound to say, as a matter of law, that if he knew the men were taken down the road to be shot, he is guilty under this charge. He was in command of the detachment; the prisoners were handed over to him, and he was therefore responsible for their being shot, if he allowed it, or knowing of, did not prevent it.

The defence presented to you by the prisoner is, that the offence charged was not committed by him, or by those under his command, but that the charge is false, and got up by a conspiracy between Manning and the other witnesses.

In support of this defence, the prisoner has brought forward evidence, which may be conveniently arranged under four heads:

First. Evidence in regard to Saturday, 21st October 1865.

Secondly. Evidence in regard to Sunday, 22nd October.

Thirdly. Evidence to show that the story is intrinsically impossible and untrue.

Fourthly. Medical evidence.

I will deal with the evidence in this order.

First. The prisoner has produced Drysdale, Assistant Surgeon Morris, seven of the soldiers of his detachment, and Trooper Berry, who were all at the post-office on the 21st, to contradict the alleged shooting. But, as Drysdale reached the post-office about 9 a.m., and remained about three-quarters of an hour, his evidence applies only to the time before the prisoners are alleged to have been brought in. Assistant Surgeon Morris was at the post-office the whole time, and his evidence is contained in four answers, which I will read to you:

(Questions and Answers 1827, 1828, 1829, and 1831 are here read.)

Serjeant Major Wolstenholme, as he then was, Serjeant O'Connor, Corporal Maddix, Privates Leslie, Gordon, and Blyth, were also there the whole time. They swear that they

they were awake, and close to the post office during the halt, and that they did not see any prisoners brought in, and that they did not shoot any, or see or hear any shot. From the evidence of the prosecution as to the distances, and from your view of the locality, you will know that these soldiers, if they obeyed the orders said to have been given, not to stray from the post-office, must have been near enough to have heard the report of the rifles said to have been fired. The going down to the bamboo draw rail, the shooting, the return, the conduct attributed to Hunter, could not possibly have happened without attracting their attention; their contradiction is explicit and complete, and, if you believe them, the story of the witnesses for the prosecution necessarily falls to the ground.

The account of the prosecution with regard to Corporal Hunter is contradicted by evidence that he was not at the post-office at the time of the alleged shooting; and if he was not, the fact, considering the prominence assigned to his name, would invalidate that account to such a degree that you would probably deem it unsafe to rely upon any part of it. Hunter himself says that he was on the advance guard, and remained at the post-office only about five minutes; that there was a report that some of the 6th Regiment and some volunteers had arrived at Golden Grove, and that he went on by Ensign Cullen's order to look for a place for the detachment there; that almost the whole detachment followed, and that Wolstenholme was with him on the advance guard; that the clock struck nine as he reached Golden Grove, and that Ensign Cullen followed in about three-quarters of an hour. Maddix, Gordon, and Blyth all state that on their arrival at the post-office a section was sent forward under Corporal Hunter. Wolstenholme says the same. I submit to you that it is impossible to reconcile this statement with evidence about which there is no doubt, and with statements made by other witnesses for the defence.

Q. 1420.
Q. 1435.
Q. 1429.
Q. 1435.
Q. 1552–1571, 1597.

The instructions given to Ensign Cullen by Captain Hole were to proceed to the post-office, where he would receive his orders. Wolstenholme says he did not go with the advance guard of the detachment. Hunter is incorrect as to the time of Ensign Cullen's arrival at Golden Grove, as fixed by some of the most reliable witnesses for the defence, the volunteers who have been called; he is also contradicted by O'Connor and Leslie, who state that the whole detachment left together.

Should you, therefore, reject Hunter's account as untrue, I submit to you that it will require your careful consideration how far his untruth should be allowed to affect the prisoner's case. Of course, if Hunter was present at the post-office, the defence, so far as it rests on his not being at the post-office, fails; but, before allowing it further to affect the prisoner's case, you will remember that Hunter is represented as deeply implicated in the transaction; that his first object would naturally be to clear himself, and that it is only incidentally, and by contradicting the prosecution in some of the details, that his story tends to clear the prisoner.

You will remember also that persons of a higher position than Hunter have been known to set up a false alibi as the readiest defence, to stop investigation into their conduct; and if you should think that he has done this, and has induced four of his comrades to support his story with a view of shielding him, you may throw the story aside altogether, and the evidence of the six soldiers present at the post-office will remain, that the act charged against Ensign Cullen was not done. Trooper Berry, who was sent forward in the afternoon to the post-office, and, according to his own account, must have been there some time, says that he did not hear of any three men having been shot.

In addition to this, Captain Astwood states that Ensign Cullen and he sat next to one another that day at dinner at Golden Grove; that the conversation turned almost exclusively upon the incidents of their respective marches; that Ensign Cullen appeared free and unreserved, and that nothing was said about the alleged shooting. And I submit for your consideration that this silence at a time when, judging from the state of feeling as shown in Captain Astwood's remarks, that "Every man felt he was doing his duty, and that there was not the slightest fear of any investigation," there was no object in concealing the act, if done; combined with the fact that all the witnesses for the defence questioned on the point state that they heard nothing about it till March last, is with reason appealed to by the prisoner in his address as one of the strongest circumstances in his favour.

Q. 1294–5.
Q. 1302.

Secondly. The prisoner brings evidence to show that there could have been no burial, and that there were no bodies at the bamboo draw rail on Sunday morning.

That morning a body of mounted volunteers, with a few men, also mounted, of the 6th Regiment, went from Golden Grove by the post-office, over the Iron Bridge, to Amity Hall, and along the north side of the river, back by a ford higher up, to Golden Grove. Of this body, Harrison, Berry, Chisholm, who went part of the way, Fowler, Captain Astwood, Lieutenant Brass, Davis, Lofthouse, and Watson, all volunteers, have been called, and three of the 6th Regiment, Corporal Bedford and Privates Cox and Barnes.

According to Berry they left Golden Grove about 6 a.m. or 6·30 a.m., and crossed the Iron Bridge about 7 a.m., Harrison makes it about 8 a.m. Several of these witnesses were asked whether they met, saw, or heard any persons with hoes, shovels, or digging implements near the grass piece, or on the road, during their march to Amity Hall; and, in answer, said they did not. As Mr. Harrison brings the force to the bridge about 8 a.m., and says it left Amity Hall between 9 a.m. and 10 a.m.; and as the burial, according to the evidence for the prosecution, took place not earlier than 10 a.m., the force had left Amity Hall before, and the Iron Bridge as much as two hours before the alleged burial. But probably a more complete explanation of their not having seen the burying party, supposing the burial true,

Q. 1239.
Q. 1023.

true, is given in this significant and ingenious answer of Lieutenant Brass: "I did not see any persons, had I seen such I should have made them prisoners." It is quite possible that the negroes themselves were aware of this danger, and therefore avoided exposing themselves unnecessarily to the risk. And this explanation is borne out by the statement of Captain Astwood, that no able-bodied negroes were found in the huts on Amity Hall Estate when they were searched.

Questions were also asked of some of these witnesses, as to the probability of the burying party working so silently as not to be heard by passers-by; and evidence was adduced that negroes were usually noisy and talkative at work. There is no evidence that there were any other persons near at the time of the alleged burial. And whatever may be the peculiarities of the negro character it can scarcely be conceived to differ so far from the ordinary standard of human nature that the habits of negroes, when engaged in their common work on week-days, can throw any light upon what they would do when burying three of their comrades on a Sunday morning; that, if the story be true, the day before, and burying them just after every house in their village had been searched by an armed body of men.

The order of the march on Sunday morning is important. Harrison acted as guide. Berry and Brandon, the latter now out of the island, formed what Berry calls the advance guard, and kept about 100 yards in front of the main body. Lieutenant Brass, Lofthouse, who acted as bugler, and Watson, were at the head of the column, Watson being, according to his own account, the right-hand man of the leading file, and immediately behind Lofthouse. Q. 1023. Q. 1241. 1327. Q. 1612. 1684.

Lieutenant Brass says, that he did not at first go over the Iron Bridge, but kept the straight road leading to Holland Bay; that he was not the only one who made the mistake, and that he went down the road as far as 25 or 30 yards, measuring from about opposite the Iron Bridge; that he was called back (by whom he cannot recollect); but that when he turned back he joined Mr. Harrison; nor can he say whether the two troopers, in advance, made the same mistake; but that he saw no dead bodies, although, if his estimate of distance be correct, he would have been within about 20 yards of the bamboo draw rail. Q. 1319. Q. 1327. Q. 1320. Q. 1328. Q. 1331. Q. 1327. Q. 1322.

Lofthouse says, they were halted because they had mistaken the road; and Mr. Harrison, or a trooper, he forgets which, was sent on to call back the advance guard, Berry and Brandon, who had taken the wrong road, and whom they followed; he cannot say how far he went down the road, as he was a stranger to the place, but it was a considerable distance. He turned back with Lieutenant Brass, and he also saw no dead bodies. Q. 1613. Q. 1614. Q. 1629. Q. 1618

Berry, you will remember, was not asked any questions on the subject.

Watson says, that he went down the Holland Bay-road, fully 250 yards, and that Lieutenant Brass, Lofthouse, and Allen, who is now out of the island, were with him; but he does not know if the two troopers in advance had also taken the wrong road. He adds, that Harrison came down the road with orders for them to turn, and, so far as he can recollect, came close to them; and that then he himself, Lieutenant Brass, and Lofthouse, returned together. He saw no dead bodies on that Holland Bay-road; he noticed a bamboo fence in the logwood hedge on that road, and there were no dead bodies near to, or tied to it. It is hardly possible that he could have mistaken this bamboo fence, as he states that he was on this same road on the 8th November last, and that he noticed it then. I submit to you that the evidence of this witness will require your most careful consideration. It is not free from difficulties. Mr. Harrison has said that he was not at any place that morning from which he could have seen the bamboo fence, as he must have been had he come close to Watson at that distance along the road; and Lieutenant Brass, who turned, according to Watson's statement, with him, has said that he turned at from 25 to 30 yards below the bridge. It will be for you to consider whether Watson's recollection, after the lapse of a year, has become inaccurate as to the distance he went, or whether his statement is substantially correct. Q. 1688. Q. 1704. Q. 1701. Q. 1706. Q. 1710. Q. 1711. Q. 1690. Q. 1691. Q. 1686. Q. 1117.

The three soldiers of the 6th Regiment, Lance Corporal Bedford, Privates Cox and Barnes, stated that they also rode down the Holland Bay-road. Bedford's account is, that after stopping at the post-office, for him to change his saddle, the three had a race down the road, between 200 and 300 yards. Barnes says that they galloped 200 or 300 yards down the road, and then galloped back again, over the bridge, after the detachment; that he noticed a bamboo fence on the right-hand side, and that he did not see any dead bodies at or near it. Cox makes the distance the same, and states that he did not see any dead bodies tied to or near the bamboo fence; placing the fence, in the first instance, on the left-hand side as he returned to the post-office; but afterwards correcting himself, and placing it on his right hand; and describing it as extending all along that side of the road, with the exception of 20 or 30 yards near the post-office. His evidence, therefore, with regard to the fence, is confined to the bamboo hedge, on the opposite side of the road to the bamboo rail, where the bodies are said to have been. Q. 1615–1682. Q. 1715. Q. 1718. Q. 1734. Q. 1740. Q. 1747. 174, A.

But all the three have said that they did not see any dead bodies on that road, and, making all allowance for their attention being taken up by their race, it is difficult to suppose that they could have passed three dead bodies without seeing them. Q. 1656. Q. 1716.

If you should think the evidence of Watson and of the three soldiers correct, the conclusion would appear inevitable, that there were no dead bodies at the bamboo rail that Sunday morning.

The prisoner has also called your attention, both by his questions and in his address to the fact that none of the witnesses questioned on the subject smelt any dead bodies, or saw any crows, "the scavengers of the country," hovering about near the Iron Bridge that morning, as might have been expected, had the bodies been there, and decomposition had commenced.

Thirdly. The prisoner has brought forward evidence to prove, first, that the story of the shooting contains impossibilities, and, secondly, that no grave could have been dug, as alleged, in October 1865.

1. The impossibilities he relies on are, that Manning and Duany could not have seen from the shop either the spot at which the soldiers are said to have stood, or the heads of persons at the bamboo rail. On these points Mr. Sinclair says that he thinks that the curve of the road and hedge would prevent a person in the shop from seeing soldiers who were standing at a point across the road, opposite the bamboo rail; that he did not place any one at the spot to try, because he was convinced that it was so, and because he knew the lines perfectly well.

Q. 1189. Q. 1070. Mr. Chisholm says that he has examined the spot over and over again, as late as the end of last October, and that you cannot from the shop see men tied to the bamboo rail.

Mr. Harrison states that on 31st October 1866 he placed a person about five feet ten inches in height, with a hat with a broad white band on, at the bamboo rail, and that standing himself on the topmost of each of the doors of the shop, he could not see anything of the person nor of the broad white band of his hat, even by peeping through the interstices of the logwood hedge. The plan, drawn to scale by Mr. Clark, and your own view of the locality, will assist you in deciding between the contradictory statements offered to you on this point. But I may remind you that when you saw the place, the logwood hedge had recently been trimmed, a point to which the prisoner invited your attention at the time; and that the evidence of these witnesses is given with reference to a period a month later, when the hedge had in some degree grown up, and that even then,

Q. 1036. Q. 1036. according to the evidence of Harrison, it was lower than it was in October 1865, at which time he makes the height about 12 feet. You have some further clue to the actual height of the hedge at that time, by comparing the evidence of Bryan, already quoted, that, being on horseback, he could see through the hedge, as through the jalousies of a window, with that of Harrison, that wanting to look over the hedge, he rode up to it, and stood up

Q. 1029. in his stirrups to have a good view, and could then scarcely see the grass.

2. To prove that no grave could have been dug on the 22nd October 1865, the prisoner

Q. 1160. has brought forward the evidence of Mr. Sinclair, who says that he passed very close to the spot between the 1st and 6th of November of that year, and could not have avoided observing a newly dug grave, but saw nothing except a slight sinking in the earth, covered overwith grass and broomweed, which he took to be a natural undulation, such undulations

Q. 1160. being common in the field, a place where water would settle, and that the ground near the

Q. 1190. bamboo rail was then in the same state as it had been before the outbreak.

The grass in this field was cut at the end of November or beginning of December 1865,

Q. 1132. and M'Dermott, the book-keeper, who lined out the work, thinks he would have seen a fresh grave, when the grass was cut down, if there had been one. Wilson, another book-

Q. 1255. 1856. 1257. keeper, also went into the field about the same time, and saw nothing. These three speak

Q. 1258. to times nearest the 22nd October. I will not trouble you with the evidence of Wood, or with that of Chisholm, who went to look at the grave on the 28th March last, when the grave had become a matter of conversation, as their evidence adds nothing material.

Q. 1150. Q. 1967. It will be for you, bearing in mind the rapidity of vegetation, as described by M'Dermott, and the evidence as to the appearance of the spot at the exhumation, to consider what weight you attach to the fact of these witnesses, casually in the field, not having observed anything. You also heard yesterday the argument of the prosecutor, to prove that the grave could not have been dug at any other time than that alleged.

Fourthly. The prisoner seeks to prove that the skeletons produced as those of the three men alleged to have been shot, cannot be so; and as he has brought forward several medical gentlemen of high position and character as witnesses on this point, and devoted to it a large part of his address, thus showing the importance he attaches to it; that alone, I am certain, would be enough to secure for it your careful attention.

1. He has pointed out that, according to the evidence on both sides, upwards of 140 bones are wanting. The principal bones have been produced, those missing being small

Q. 1862. bones belonging to the hands and feet. He appears to rely on their absence as evidence that they have decayed, and that therefore the skeletons must have been in the grave a considerable time. The prosecution meet this by remarking that these small bones may be presumed to have been lost in the earth of the grave.

2. There are three small pieces of bone, marked respectively 1, 2, and 3, stated by Dr.

Q. 1780. 1869. Manners and Dr. Bowerbank to be in excess for the three skeletons. Dr. Anderson confines himself to saying that he could not identify these three pieces as belonging to either

Q. 1927. 1867. of the three skeletons. He and Dr. Bowerbank think No. 1 may be a portion of a lower jaw bone. Assistant Surgeon Kerr, Dr. Fiddes, and Dr. Scott, consider No. 1 bone to be a portion of a hip-bone, and the first two affixed it to the hip-bone in your presence. All the witnesses for the defence, who speak to the point, seem to consider Nos. 2 and 3 as portions of a shoulder-blade; those for the prosecution say they cannot be positive what

Q. 1969. 1980. 198 they are.

The prosecutor in his reply, and the prisoner, in both his address and his rejoinder, have

have commented on these bones. As these comments are arguments based on the evidence, it would be beside my purpose to do more than refer you to them.

3. A great deal of evidence has been devoted to the state of the skulls marked 1 and 3. With regard to the opinions which have been expressed, as to the possibility of the amount of injury done to these skulls having been done by shots fired at them within 12 paces, I submit to your consideration the remark of Dr. Anderson, that before giving his opinion it would be necessary to know how many balls are to be assumed as having hit. Q. 1940.

The opinion of the medical witnesses for the defence, with regard to the injuries on these skulls, is, that they might have been produced by other means than bullets. Dr. Manners thinks they were; and they believe, from the loosened state of the sutures, and the extensive character of the injuries, that, if they were produced by bullets, they were inflicted after death. Q. 1879.

4. The medical witnesses for the defence have also pronounced it as their opinion, founded upon the appearance of the bones at the time of exhumation as described, and their examination of them, which, however, did not take place till upwards of a month after exhumation, that the state of decomposition in which they were found could not have been reached in eleven months and five days. In considering these opinions, I submit to you that the value of scientific evidence necessarily varies, first, according to the exactness which the science has reached in regard to the particular subject-matter under investigation; and, secondly, with reference to the individual witnesses produced, according to their knowledge, experience, caution, accuracy, clearness, and conscientiousness. Upon this second point I shall not presume to offer you any remarks. It is for you to determine their individual value as witnesses. Upon the first point you have the evidence of Dr. Anderson, that medical science is not in an exact state with regard to the rate of decomposition; that opinions differ very much upon the subject, and that the observations as to the effect of the climate of this island upon bodies interred are not complete. The evidence of Dr. Bowerbank, that he has no hesitation in saying that the decomposition of the remains of Jones, a convict buried near Up Park Camp during martial law, and exhumed last month, was much quicker and much more advanced than he would have anticipated from his previous experience, and that he was perfectly surprised to find the bones of the pelvis separated; and the evidence of Staff Surgeons Street and Dunlop, that they cannot say, with certainty, if the three bodies could not have decomposed within twelve months under the circumstances of their alleged burial. Q. 1951. Q. 1905. Q. 1824.

Your attention has been called to observations recently made by some of these witnesses upon the body of Jones, the body of Mr. Herschell, and the skull of a person described as a rebel, all buried during martial law, and the last two exhumed last August. They bring them forward in support and illustrative of the opinions given by them. You are placed in some difficulty in estimating the value of these observations, partly because you have not all the conditions of the particular cases before you, so as to enable you to judge how far the cases are really illustrations; as, for instance, in the case of Jones no evidence has been given as to the depth at which he was buried, and also because special knowledge is necessary for appreciating these observations. Still, as they have been brought before you, it becomes my duty to submit to you some suggestions regarding them.

The information respecting the last two cannot be called complete. The first case, that of Jones, was put forward as the nearest parallel to the case, as alleged, before you. In comparing the two, you will observe that one condition is common—the absence of a coffin; another condition appears to be nearly the same, the soil in which Jones was buried being, according to Dr. Anderson, very similar to that of the grave in Duckenfield grass piece, except that the latter perhaps contains a little more alluvial deposit. A third condition is unlike in the two cases, there having been lime in the grave of Jones, though no information was given you as to what effect lime has in reference to decomposition, except that Dr. Anderson is not prepared to state what effect it has upon animal tissues; and Dr. Manners is not of opinion that it quickens decomposition, that all other conditions are left without evidence and undetermined, and that the body of Jones has not decomposed with the rapidity alleged to have been the case with the three skeletons. Q. 1922. Q. 1938.

The evidence of these medical witnesses may be summed up thus: that, as far as their knowledge from study and personal observation goes, their opinion is that the bodies have been in the ground more than the alleged time. In addition, Dr. Manners, Dr. Bowerbank, Dr. Anderson, and Assistant Surgeon Morris think that in the case of one skeleton, all the bones do not correspond in age. Dr. Bowerbank further thinks that the decomposition of the soft parts of one skeleton did not take place in the grave in the grass piece. Staff Surgeons Street and Dunlop, Dr. Bowerbank, and Dr. Anderson think that some of the bones have been interred longer than others. Q. 1765. 1870. Q. 1932. 1834. Q. 1871. Q. 1814. Q. 1842. 1871. Q. 1932.

This is the substance of the evidence on which the prisoner relies, as proving the falsehood of the charge, and leading to the conclusion that it is the result of a conspiracy got up by Manning, the most intelligent of the witnesses for the prosecution, and the most likely to lead the others. In support of this view, he seeks to impeach the character of several of the witnesses, particularly that of Manning himself. I am very unwilling to make any remark which might sound harsh on my part of the prisoner's line of defence, but I feel it my duty to submit to the Court that it is to be regretted that he has introduced the religious opinions of two of the witnesses, Manning and Anderson, into it. It is wholly unnecessary for me to remind you that the Court has nothing to do with the form of faith of witnesses, but with their credibility only. But I feel confident that you will not allow the introduction of this irrelevant matter to prevent your giving full weight to all that he has urged in proof of the conspiracy he suggests.

With regard to Manning's character, the evidence you have before you is, that he is not favourably regarded by some of his neighbours, who have been called as witnesses for the defence; but is looked upon by them as having influence with the lower orders, which he uses in opposition to their views. Probably Mr. Harrison has put it candidly, when, being himself a planter, he naively says, "Since June 1865, Manning has been considered by all planters and well-disposed persons as an agitator." On the other hand, it must be borne in mind that he still holds a position of trust under Government, that of postmaster in the district, which he held before the outbreak last year. Putting all this together, it will be for you to consider how far he is likely to have set on foot a conspiracy of this kind, and to have had influence enough to have carried it out in all its details.

There is one remark in the address of the prisoner which I must not leave unnoticed, that, should your finding be against him, it would impliedly charge with perjury and a combination to defeat the ends of justice, a large body of intelligent witnesses, both civil and military. This is a mistake. There is undoubtedly a direct conflict of testimony in the case, but that conflict lies only between the testimony of the witnesses for the prosecution who speak to the events on Saturday and the burial on Sunday, on the one hand; and on the other hand, the testimony of Assistant Surgeon Morris and the seven soldiers who were at the Iron Bridge on Saturday, together with that of Watson and the three soldiers of the 6th Regiment, who say that on Sunday morning they went down the Holland Bay Road, so far as necessarily to have passed the bamboo rail. In arriving at your finding, you will certainly have to choose between the statements of the one or the other; but the truthfulness of all the evidence beyond this will be unimpeached by your verdict.

In considering this case you will, I am sure, give full weight to the high character for humanity which Ensign Cullen has received from Captain Hole, from his own brother officers, Captain Ross and Lieutenant Ballantine, the only officers of his regiment now in the island, and from every witness questioned on the subject with whom he was brought into contact during the time he was in St. Thomas'-in-the-East, as rendering it improbable that he could have committed the act charged.

I have now gone through the evidence on both sides. Some collateral points may occur to you as not touched upon, but I have thought I should best serve you by comparing and analysing what appeared to be the really important portions of the evidence.

It will be for you to decide whether it is proved satisfactorily and without reasonable doubt, that the prisoner caused the three men named in the charge to be shot.

If your finding is in favour of the prisoner on this first question, the second question which I proposed to you at the outset will not arise; but if your finding is against him, you will then have further to consider whether he acted cruelly, wantonly and wrongfully, and not in good faith, for the purpose of suppressing the insurrection or for the preservation of the public peace in the island.

In doing so, you will have the difficult task of drawing the line between an act done in mistake and one done not in good faith, and of deciding on which side the conduct of the prisoner is to be placed.

If you think, as is suggested by the prosecution, that he allowed, without trial and without waiting for orders from his superior officer, which might shortly have been expected, the penalty of death to be substituted for the lighter punishment of flogging, originally ordered in the case of these three men, for an offence wholly disproportioned to that penalty, you will have to consider whether such conduct shows that the act was done cruelly, wantonly and wrongfully, and therefore not in good faith. On the other hand must be borne in mind his youth and inexperience, his high character for humanity, and the fact that he was sent out, as deposed to by Captain Hole, without any other orders than those produced, in which nothing is said to guide him as to the treatment of prisoners; and if, making allowance for these circumstances, you decide that you can fairly come to the conclusion that the act was done by him in mistake—lamentable indeed in its consequences, but still an honest mistake—you will, I doubt not, with pleasure put this favourable interpretation upon his conduct.

And now, Mr. President and gentlemen, my task is accomplished, and the most anxious and difficult part of your duty must begin.

H. J. Maclean, Captain, Rifle Brigade,
Deputy Judge Advocate.

Kingston, Jamaica, 4 December 1866.

THE Court having closed, proceeds to deliberate.

FINDING.

Finding.

THE Court having maturely weighed and considered the evidence brought before it, both on the part of the prosecution and of the defence, is of opinion that the prisoner, Ensign Francis James Cullen, 1st West India Regiment, is "Not Guilty" of the charge preferred against him, and does therefore acquit him of the same.

R. T. Farren, Colonel, and Lieut.-Colonel
4th Depôt Battalion, President.

Kingston, Jamaica, 4 December 1866.

H. J. Maclean, Captain, Rifle Brigade,
Deputy Judge Advocate.

APPENDIX.

DOCUMENTS ATTACHED TO THE PROCEEDINGS.

(A.) Appendix (A).

PRISONER'S REQUEST for an ADJOURNMENT.

Up Park Camp, Jamaica, 2 October 1866.

Mr. President, and Members of this General Court Martial,

I MAKE as early as possible an application, which is scarcely ever refused in a court of justice. I have been under arrest to this moment. I am only a young ensign. I am a stranger in Jamaica. I have no experience of legal tribunals. Arrayed against me are, as I understand, an old experienced prosecutor, and also (most unusually) the Attorney General of the Colony, an English barrister, and a local solicitor, who I hear not only already had the opportunity of searching St. Thomas-in-the-East for evidence to support the charge preferred, but also every other possible advantage against me.

At the present time the sittings of the Supreme Court of Law are being held in Spanish Town, without the power of adjournment, and will last until Saturday week; the members of the Colonial bar and the solicitors are engaged there, and the professional gentlemen; the Advocate General, who has willingly consented to render me his generous aid, is busily engaged in the Court.

I ask this Court, which has the power of adjournment, in simple justice, and at all events for the honour of the service, to postpone this prosecution, so as to enable me to be provided with proper assistance for my defence during the progress of a trial which will so seriously affect my character and my prospects for life as an officer and a gentleman.

(signed) *F. J. Cullen*, Ensign,
1st West India Regiment.

(B.) Appendix (B).

PROSECUTOR'S ADDRESS.

Mr. President and Gentlemen, Kingston, Jamaica, 2 October 1866.

As the officer appointed to conduct the prosecution, it is now my duty to open to you the case against the prisoner.

The case, you cannot but be aware, arises out of the late rebellious outbreak in this island, which was put down by Her Majesty's military and naval forces by the severities of "martial law." That rebellious outbreak, and the subsequent occurrences have formed the subject of a Royal Commission; they have also been the subject of common conversation, perhaps especially in the army; and they have been discussed with strong feeling in the public press.

To a certain extent, it may be more or it may be less, but, to a certain extent, it must be that these matters are familiar to all the members of the Court. But I am sure the Court will agree with me that in the present judicial inquiry, all that you have heard or read on the subject must be, as far as possible, put aside.

I do not mean that you should by some process endeavour to extirpate the memory of it from your minds—that would be a vain task—but that you will best perform your duty in this as in other respects, by addressing yourselves in a truly impartial spirit, and with what I may call your whole attention to the evidence which will be laid before you, striving to frame your conclusions as to the guilt or innocence of the prisoner upon that evidence alone.

On this subject I need say no more, except to remark that you have been sent by Her Majesty's Government from England for the very purpose of forming a tribunal beyond all question of partiality—and the consciousness of this is a matter of great satisfaction to myself in the performance of my duty as prosecutor on this occasion.

As prosecutor it will be my duty and my desire to assist the Court to the best of my ability. I shall have to offer you, in the first place, some remarks upon the nature of the charge, which in several respects is a peculiar one; and also some observations upon the evidence which will be brought before you in support of the charge. In doing so, I shall endeavour to keep close to the matter in hand, and to avoid as far as possible every exciting topic; and I assure you it will be my constant effort to deal fairly with the case. It will certainly be my duty to make the investigation a searching one, but I hope that I shall not in your judgment press either evidence or argument unduly against the prisoner. At the very outset of the case, therefore, I am anxious to state, on behalf of the prosecution, our entire acquiescence in the well-known rule of law, that unless the evidence esta-

Appendix (B).

blishes beyond reasonable doubt that the prisoner is guilty of the charge brought against him, he is entitled to be acquitted at your hands.

Gentlemen, the prisoner Ensign Francis James Cullen, of the 1st West India Regiment, as you have heard, stands arraigned upon the following charge:—

"For scandalous conduct unbecoming the character of an officer and a gentleman, in having on the 21st of October 1865, in the County of Surrey, in the Island of Jamaica, during the continuance of martial law, and in a district over which martial law then prevailed, which had been proclaimed there for the purpose of suppressing an insurrection, and for the preservation of the public peace in the said Island, cruelly, wantonly, and wrongfully caused three men severally named Richard Walton, Tommy Miles, alias Tom Bell, and John MacCall, alias George MacQuary MacCall, to be shot to death. The said act not being done by him, the said Ensign Cullen, in good faith, for the purpose of suppressing the said insurrection, or for the preservation of the public peace in the said Island."

I will state at once that the substance of this charge is having cruelly, wantonly, and wrongfully caused the three men in question to be put to death; I believe that in the end this will be the simple issue; I believe that before the case closes you will be able to put aside all legal questions whatever, and to determine your judgment upon this charge by answering this one question:

Did the prisoner cruelly, wantonly, and wrongfully cause these three men to be put to death?

But, in the first instance, to enable you thoroughly to comprehend the charge, I desire to offer you some remarks upon the allusions in the charge to the insurrection and to martial law.

Gentlemen, it will happily not be necessary for me to insist upon any particular meaning of the phrase "martial law," or to attempt to define to you the powers, the rights, and the responsibilities, or it may be the irresponsibilities which arise during the operation of what is called martial law—large powers extending to life and death are, in fact, exercised by the military authorities—and that the general duty of officers acting under martial law has been thus described by a former Judge Advocate General, a description which, I think, must commend itself to your approval:—

"Martial law, when proclaimed, must be executed by those who have to execute it, firmly, faithfully, and with as much humanity as the occasion allows, according to the conscience and good sense of those who have to execute it."

In the present case martial law was proclaimed in the county of Surrey (except Kingston), and continued in force during 30 days, in which period a number of capital and other punishments were inflicted under the orders of Her Majesty's officers.

What renders further inquiry into the nature of martial law unnecessary in this case is, that subsequently a Colonial Act of Indemnity had been passed which has obtained the approval of Her Majesty, and has fully become law.

I must now ask your most careful attention to this statute—to the true extent and meaning of it—my object being to show that, although the statute gives indemnity for many acts, it does not give indemnity for such an act as that with which the prisoner is charged.

A copy of this Act will be placed upon the table before the Court; but before the very terms of the Act are read to you I will make the following observations upon what, I think, is its purpose and its true effect.

If martial law has been proclaimed, and loyal officers acting in the execution of their duty, with an honest intention, and with sound judgment, have put to death or otherwise punished individuals, you must all feel that such officers so acting ought to be completely protected from prosecution or legal proceedings; and you must feel that there is no such efficient protection as a special statute declaring such acts lawful, and prohibiting legal proceedings against them; in other words, a "Statute of Indemnity." Gentlemen, this colonial statute, you will see, does give such officers so acting the fullest protection. Again, a loyal officer carrying out martial law, and acting honestly all the while, may, in certain instances, or even in a whole course of conduct, nevertheless, have not acted with sound judgment in the severities he has exercised. He may have acted too precipitately; he may have been mistaken in the persons whom he has punished; he may have been mistaken as to the nature and degree of their conduct; he may have been mistaken in the degree of the punishment he has inflicted; he may have been mistaken in other ways. Such mistakes are to be regretted; but if they are mere mistakes, they ought not to deprive the officer of his indemnity; so long as he has acted with an honest intention to do his duty, with an honest desire, and in good faith, to preserve the public peace, he ought, for all such acts, to be indemnified. Gentlemen, the statute you will find does give indemnity to officers acting honestly under a mistake.

But here the statute stops, and I think you will say it ought to stop. It does not give indemnity for acts which are not done in good faith for the preservation of the public peace; it does not give indemnity for mere acts of wanton cruelty.

It is true that if in time of martial law an officer has been intrusted by his military superior in charge of a detachment to exercise his own discretion, and invested with large powers of punishment, and he does, in fact, exercise such powers, he ought not, except upon very clear evidence, to be considered to have acted with wanton cruelty. Much ought to be allowed for the novelty and difficulty of his situation, much room allowed for mere mis-judgment. But if the evidence establishes that he has, in fact, acted in bad faith; that he has, under the pretence and colour of his office, wantonly, for the sake of

of indulging his selfish lust, inflicted cruelties on Her Majesty's subjects, then the statute gives no protection.

I will now call your attention to the very words of the Act. The preamble recites the rebellion proclamation of "Martial Law;" the suppression of the rebellion by Her Majesty's military and naval forces, with the co-operation of other of Her faithful subjects.

The Act will hereafter be proved to the Court, and read. Omitting words immaterial to our present purpose, as regards Part I. of the Act, the section will run—

"All prosecutions against military persons acting as last aforesaid (that is, acting for the crushing of the rebellious outbreak) for any matter or thing ordered or done, in furtherance of martial law, in order to suppress the said insurrection, and for the preservation of the public peace throughout the island, shall be discharged." You will observe, therefore, and this is the substance of my previous remarks, that the statute does not give indemnity, unless the act be done, "for the suppression of the rebellion and the preservation of the public peace;" and I may say more, the act must be done in "good faith" for those purposes; for we may import those words from the preamble, and from the reasonable interpretation of the section itself. Now, you will also observe that the charge against the prisoner alleges that he cruelly, wantonly, and wrongfully caused the men to be put to death, and expressly alleges that the act was not done by him "in good faith for the purpose of suppressing the rebellion or preserving the public peace."

On the part of the prosecution we shall endeavour to prove this; and, if we prove it, we say that the statute affords the prisoner no answer, no defence.

But now, if it should occur to you to inquire why the prosecution thus in the very charge anticipate a defence, which the prisoner may perhaps never put forward, I may say, that the allusions to "martial law" appear to have two purposes in view—

1st. To inform the Court and the prisoner of the nature of the Act which will be urged against him, and to remove at the outset misapprehension of the law which might possibly arise.

2ndly. To assist the prisoner to the full benefit of the statute, if the facts of his conduct entitle him to its protection.

With these remarks I shall now leave the statute, and before, however, going to the facts, I will offer a few words upon the formal part of the charge. It is framed upon the 79th Article of War, and the act is charged as "Scandalous conduct, unbecoming the character of an officer and a gentleman." The penalty upon conviction for such conduct is appointed to be cashiering. It might seem that such a charge as scandalous conduct, and such a penalty as cashiering, are hardly adequate to the crime of cruelly and wantonly causing three men to be put to death. It might seem, perhaps, that it would be fitter that a charge of "wilful murder" should have been preferred before a civil tribunal, which has properly the cognizance of such high crimes. There may be greater obstacles to such a course than we may be aware of; but in truth, all such inquiries are irrelevant to our duty. I am sure that you will feel that it is enough for us that this charge has been framed by competent authority in England, and this Court has been appointed to try it.

I will not detain you by arguing that if the prisoner is proved to have cruelly, wantonly, and wrongfully caused the men to be put to death as charged, he has been guilty of scandalous conduct, unbecoming the character of an officer and a gentleman; but I will proceed at once to the facts.

Gentlemen, the day dated in the charge is the 21st October 1865. It was on a Saturday. The place where the offence was committed was near the Duckenfield Suspension Bridge, over the Plantain Garden River, near the Plantain Garden River Post Office. The persons stated to have been shot are three men called Richard Walton, Tommy Miles, alias Tom Bell, and George MacCall, alias George MacQuary MacCall; they were labourers living in the neighbourhood. Evidence will be given you that they were alive and in the neighbourhood shortly before the time in question, and that they were not seen alive after that date.

The general story, which I shall put in evidence before you, will be this: On the morning of the day in question, during the time of martial law, Ensign Cullen was detached with about 50 men of the 1st West India Regiment, to march from Manchioneal to Golden Grove. He received his orders from Captain Hole of the 2nd Battalion 6th Royal Regiment, who will be called before you and produce his orders. Dr. Morris, who I believe is an older person than the prisoner, accompanied the detachment as assistant surgeon. The party left Manchioneal about 5.30 o'clock in the morning; after coming down Quai Hill and crossing the Suspension Bridge, the party arrived at the Plantain Garden Post Office and store, close to the Suspension Bridge, which was kept by a Mr. Manning. They arrived here between eight and nine o'clock; they halted, and Dr. Morris went into a room inside the house and lay down, for he stated that he felt ill. The soldiers broke off to rest and get refreshments. These facts which I have related to you there cannot be any doubt about. The witnesses will further tell you that the party halted altogether at this place between three and four hours. This is a fact of great importance, and I shall submit to you that it is a correct statement.

Now, as to what took place during this time; the witnesses for the prosecution will tell you that on that morning the three men who are named in the charge, together with another named Francis, were taken prisoners for stealing nails and corn at Duckenfield,

Appendix (B).

by one Halliday, who took them to one Phillips, the head man in Duckenfield, who delivered them over to three constables, Bryan, Hills or Wills, and another, to be handed over to the military. As the three constables, with the four prisoners, were approaching the suspension bridge, one of the prisoners, named Francis, got his hand out of the rope that secured him, and made his escape into a cane field; about the same time some of the soldiers saw the prisoners, and began to cry out, as the witnesses will depose, "Prisoners are coming! Prisoners are coming!" The three prisoners were brought to the post-office, and were secured to a post, or to several posts, in the Piazza, and they were delivered over to Ensign Cullen. The witnesses will tell you that Ensign Cullen directed the men to be flogged, and that application was made to Mr. Manning, the postmaster, for some twine to make a cat with. Some conversation then took place between Ensign Cullen and Dr. Morris. Nothing was said to the prisoners, but in the presence of Ensign Cullen, if not by his direct order, the three men were untied from the post by the soldiers, and were taken by the soldiers about 80 yards off; Dr. Morris went with them, and Ensign Cullen also. The men were then forthwith secured to a bamboo fence, and shot by the soldiers. Ensign Cullen was looking on, probably, it will appear, at a little distance in rear; whether he gave an order to fire immediately before the men did fire, is not so certain. One of the prisoners was not killed by the discharge, upon which Dr. Morris took a rifle, and fired it at the prisoner (and as the witnesses will depose), killing him. The soldiers then returned to the house, and shortly afterwards resumed their march to Golden Grove, where they arrived the same afternoon.

Gentlemen, the facts I have been describing will be deposed to by a number of witnesses, who declare they saw them take place with their own eyes. There will be three constables, who escorted the black prisoners; there will be Mr. Manning, the postmaster, who is a respectable tradesman, and holds the post-office under Government; his servant boy, Donaldson; Duaney, who keeps the lighthouse on the coast, and Anderson, a schoolmaster. These men were eye-witnesses to the whole transaction, and will detail it all to you circumstantially; and Duaney will tell you that he knew the man Walton, well, as a man who had taken messages for him from time to time from the lighthouse to Kingston; and that when the man was going to be flogged, he told Ensign Cullen this, and gave him a good character. The man Francis also, who made his escape into the bush, will tell you that he heard a gun go off. On the following day, Sunday, the three bodies were buried, and this was done by some labourers who reside in the neighbourhood, and who will give what seems to be very satisfactory evidence of the identity of the bodies so buried, with those subsequently exhumed.

The conclusions from this evidence would seem to be,

1. That the three men were shot to death.

2. That Ensign Cullen (who you will remember was in charge of the detachment), caused them to be shot to death.

3. That he did so, cruelly, wantonly, and wrongfully, and not in good faith for the suppression of the insurrection, or the preservation of the public peace.

As I shall have an opportunity of addressing you again, I shall now proceed to call before you a few witnesses to prove a plan of the premises at the post-office, the proclamation of martial law; and it is my duty to submit to the Court the advisability of at once proceeding to the spot where the alleged occurrence took place, for the purpose of viewing the premises.

(signed) *C. Daniell,*
Lieut. Colonel, 28th Regiment,
Prosecutor.

I may add here upon paper, with respect to the application for a postponement of the trial, what I have already said, that I do not assume the responsibility of agreeing to it; I leave it entirely in the discretion of the Court; I am here to aid in the administration of justice, and in the prosecution of such inquiries as may be necessary thereto. If the Court should be of opinion that the ends of justice will be better met by the postponement, I am sure it will be assented to, but not otherwise. Should, however, the Court be of opinion that there ought to be a postponement, as asked for by the prisoner, until the 15th of October, then I ask for one further day's postponement, say to Tuesday, the 16th of October (this day fortnight), as one of the gentlemen who is assisting me, in the expectation that the Court would have concluded its duties before Monday, the 15th of October, has made an engagement for that day, which he cannot well forego.

(signed) *C. Daniell,*
Lieut. Colonel, 28th Regiment,
Prosecutor.

Jamaica, 2 October 1866.

(C.)

THE LAWS OF JAMAICA. Appendix (C).

ANNO REGNI VICESSIMO NONO VICTORIÆ.

CAP. I.

AN ACT to indemnify the Governor, and all other Officers and Persons concerned in Suppressing the late Rebellion in this Island.

Preamble.

WHEREAS, being seduced by the insidious counsel of wickedly-designing persons, many of the Queen's subjects in this island conspired by force to overthrow the constitution and government here established by law; and, in furtherance of such their purpose, did, by force, and in confederated multitude, commit, on the eleventh day of October, in this present year of our Lord, one thousand eight hundred and sixty-five, and on divers other days then following, in the parish of Saint Thomas-in-the-East, many burglaries, robberies, arsons, murders, and other felonies, with treasonous purpose, in renunciation of their natural allegiance, and to the intent of the general massacre of all loyal and well-disposed subjects of the Queen here dwelling: And whereas upon being informed of such the aforesaid atrocities, his Excellency Edward John Eyre, Esquire, the Governor of this island, with the advice of a council of war, and in order to prevent the extension of the said rebellious outbreak, did proclaim that martial law should obtain and prevail throughout the county of Surrey, with the exception only of the city and parish of Kingston: And whereas, under God's providence, the military and naval forces of the Queen, with the loyal co-operation of others, her Majesty's faithful subjects in this island, have arrested the spread of this rebellion, and saved the lives of law-abiding citizens from eminent general sacrifice: And whereas, military, naval, or civil authorities, necessarily employed in the prompt suppression of the atrocities aforesaid, may, according to the law of ordinary peace, be responsible in person or purse for acts done in good faith, for the purpose of restoring public peace, and quelling the rebellion aforesaid: And whereas, it is expedient that all persons whosoever, in good faith, and of loyal resolve, have acted for the crushing of this rebellious outbreak, should be indemnified and kept harmless for such their acts of loyalty: Be it therefore, and it hereby is enacted by the Governor, Legislative Council, and Assembly of this island,

Personal actions, indictments, prosecutions, &c. against civil or other officers, and persons acting under orders, from promulgation of martial law, made void, and such persons indemnified.

First. That all personal actions and suits, indictments, informations, attachments, prosecutions, and proceedings, present or future whatsoever, against such authorities or officers, civil, military, or naval, or other persons acting as last aforesaid, for or by reason of any matter or thing commanded, ordered, directed, or done since the promulgation and publication of the proclamation of martial law aforesaid, whether done in any district in which martial law was proclaimed, or in any district in which martial law was not proclaimed, in furtherance of martial law; that is to say, on, from, and after the thirteenth day of October last past, and during the continuance of such martial law, in order to suppress the said insurrection and rebellion, and for the preservation of the public peace throughout the island, shall be discharged and made void; and that every person, by whom such act, matter, or thing shall have been advised, commanded, ordered, directed, or done for the purposes aforesaid, on, from, and since the said thirteenth day of October, and during the existence of such martial law, shall be freed, acquitted, discharged, and indemnified, as well against the Queen's most gracious Majesty, her heirs and successors, as against all and every persons and person whomsoever.

The Governor and all other persons also indemnified for all acts done in order to put an end to said rebellion, which acts are declared lawful.

Second. And it is hereby also enacted, That his Excellency Edward John Eyre, Esquire, Captain-General and Governor-in-chief, and all officers and other persons who have acted under his authority, or have acted *bonâ fide* for the purposes, and during the time aforesaid, whether such acts were done in any district in which martial law was proclaimed, or in any district in which martial law was not proclaimed, are hereby indemnified in respect of all acts, matters, and things done in order to put an end to the said rebellion; and all such acts so done are hereby made and declared to be lawful, and are confirmed.

To remove doubts as to legality of acts done, Governor to declare them done by authority, &c.

Third. In order to prevent any doubt which might arise, whether any act alleged to have been done under the authority of the governor, or to have been done *bonâ fide* in order to suppress and put an end to the said rebellion, was so done, it shall be lawful for the Governor for the time being to declare such acts to have been done under such authority, or *bonâ fide* for the purposes aforesaid; and such declaration, by any writing under the hand of the Governor for the time being shall, in all cases, be conclusive evidence that such acts were so done respectively.

Appendix (D).

(D.)

ORDER from Brigadier General *Nelson* to Captain *Hole.*

MEMORANDUM.

CAPTAIN HOLE, Commanding Troops, Manchioneal, will detach a party under command of an officer, consisting of 50 men, in light marching order, and provided with 60 rounds of ball cartridge.

The party to leave Manchioneal at 5 a.m. to-morrow, Saturday, 21st October, and to move to the post-office on the direct road between Manchioneal and Bath, supposed a distance of 15 miles; this body will find other troops from this at post-office, and the officer in command has his orders.

Great importance is attached to the party leaving Manchioneal at the above hour, and nothing is to diverge or hinder their march on post-office, extreme emergencies alone excepted.

(signed) *A. A. Nelson*, Brigadier General,
Commanding Field Force.

Captain Hole, Commanding Troops, Manchioneal.

P. S.—Boots will be sent up soon as possible.

(E.), (F.),)G.)—*See* Drawings opposite.

Appendix (H).

(H.)

PRISONER'S OPENING ADDRESS FOR DEFENCE.

Mr. President and Gentlemen of this Honourable Court,

I CANNOT forbear from expressing at once my sincere thanks to the several members of this Court, as well as to the Judge Advocate, for the considerate and patient attention which has been already paid to the investigation of this most harassing and painful charge; nor can I omit to thank Colonel Daniell, the prosecutor, for the kindly manner in which he is endeavouring to discharge his unwelcome task.

Although it may, perhaps, have seemed that, in taking so much time thoroughly to sift (so far, indeed, as the mode of procedure in courts martial will allow) the testimony adduced, and the character and bias of the several witnesses brought forward against me—I may have been tedious—it may be allowed me plainly to state, that I pursued that course *bonâ fide*, in order that the members of this Court, who have hitherto been entirely unacquainted with the credibility of persons of that class of life in West India colonies, might have the full opportunity of judging for themselves, whether they, like the large majority of those resident in the colonies experienced in such matters, agree with the Royal Commissioners in the conclusion arrived at by them, in their report to Her Majesty the Queen, to this effect:

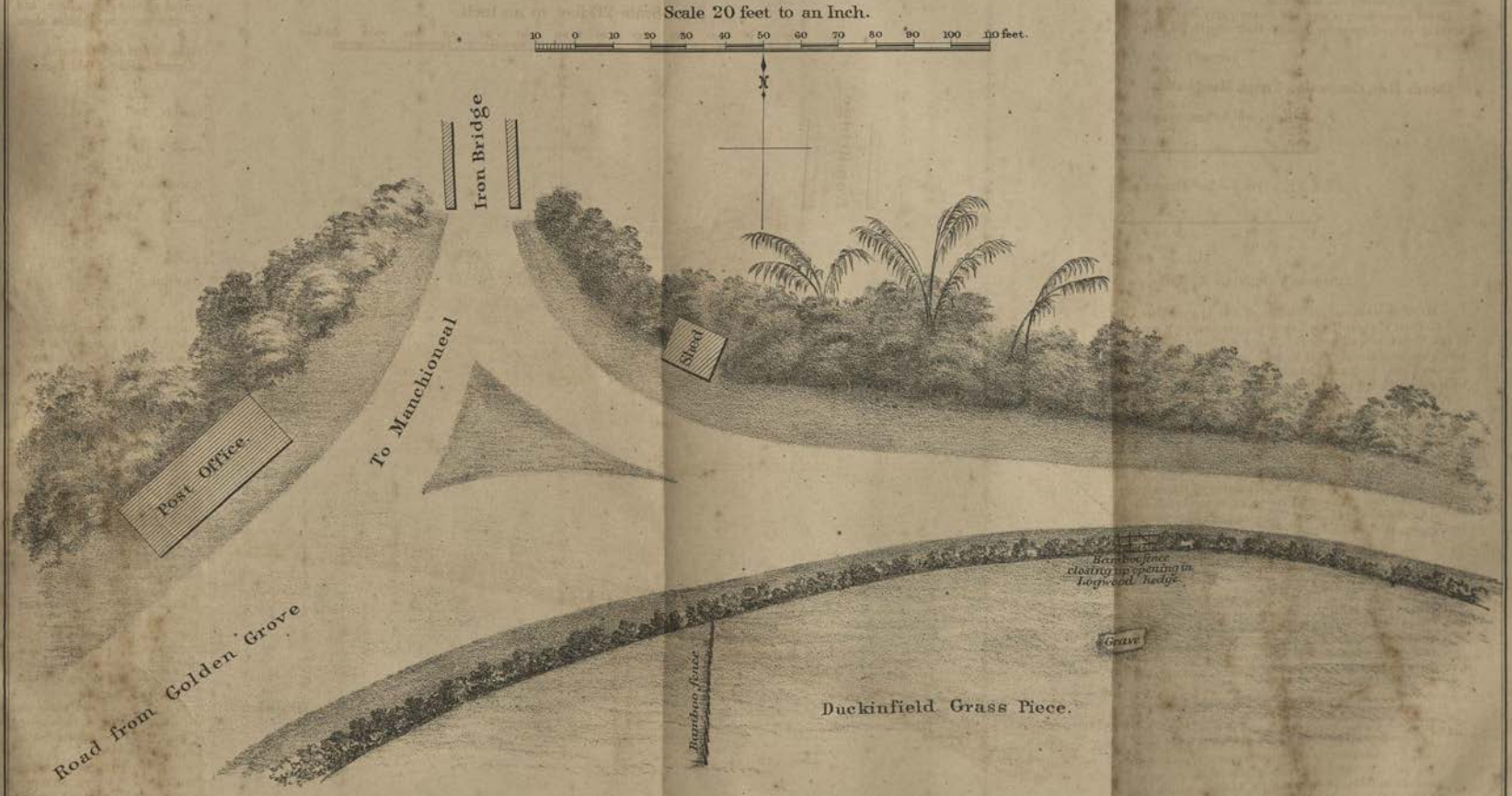
> "But besides the difficulty of enforcing adherence to method in the distribution of the evidence, we encountered one of a still more serious complexion in the nature of the evidence itself.
>
> "In many cases the witnesses manifested a singular ignorance of the nature and value of evidence, as well as a misconception of the proper scope of the inquiry.
>
> "As regards the negroes, it is enough to recall the fact that they were, for the most part, uneducated peasants, speaking in accents strange to the ear, often in a phraseology of their own, with vague conceptions of number and time, unaccustomed to definiteness or accuracy of speech, and in many cases still smarting under a sense of injuries sustained.
>
> "Many of them, again, misconceived the object of the commission, and came to tell their tale of houses burnt or property lost, in the undisguised hope of obtaining compensation. Some also heard of the money which was being paid out of the funds at our disposal to those who travelled to Spanish Town to give evidence.
>
> "Even as regards the other witnesses, many even of the educated class could often scarcely be restrained from giving opinions, in general and positive terms, as equivalent to facts, or from stating as facts, within their own knowledge, matter communicated to them by others.
>
> "Some of the evidence which we have received was wholly unworthy of credit, and has been discarded by us in the preparation of our Report."

I would respectfully ask each member of this Court whether those passages do not speak with telling force of the witnesses who have been already examined before this Court.

While

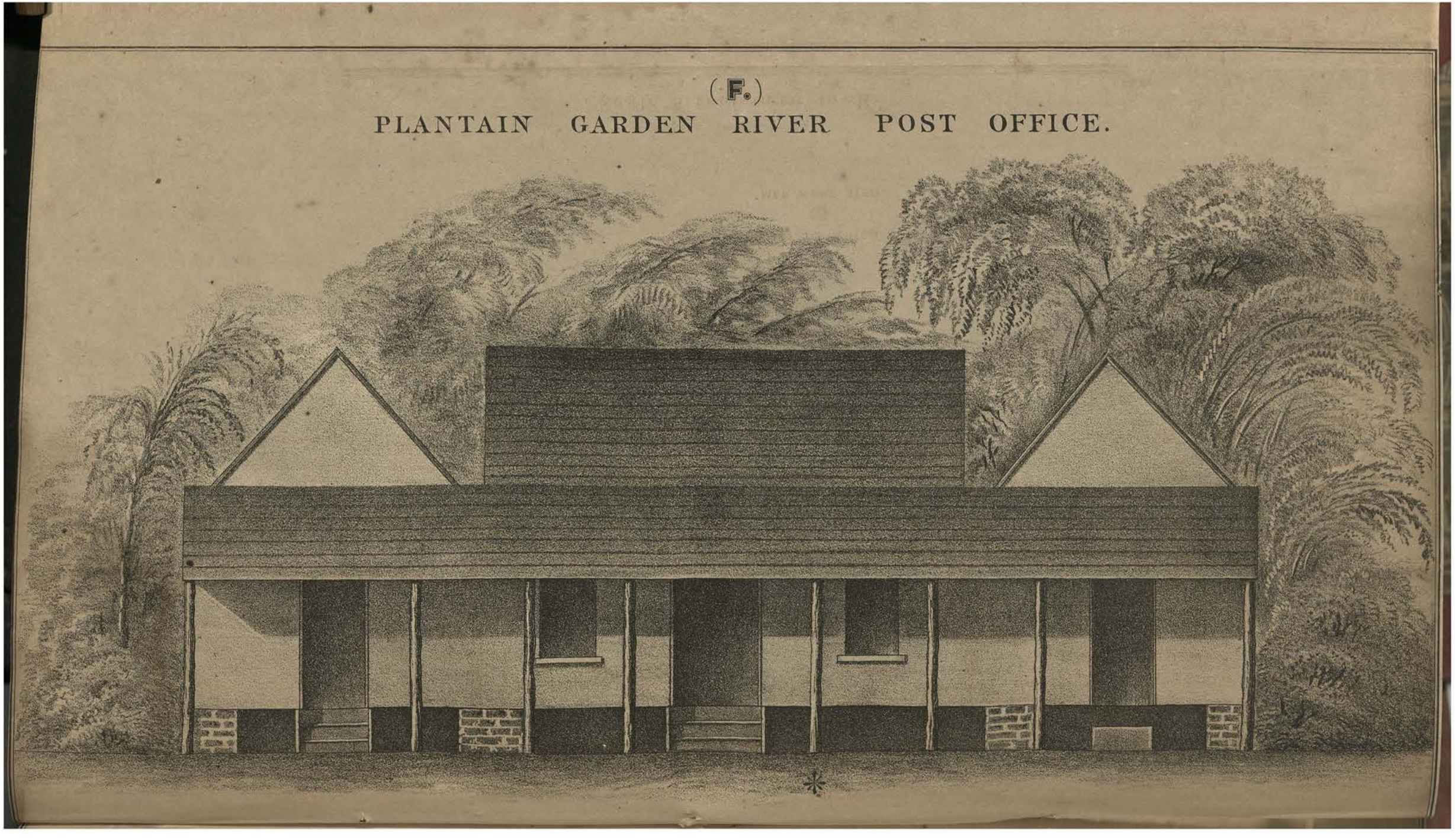
(E.)

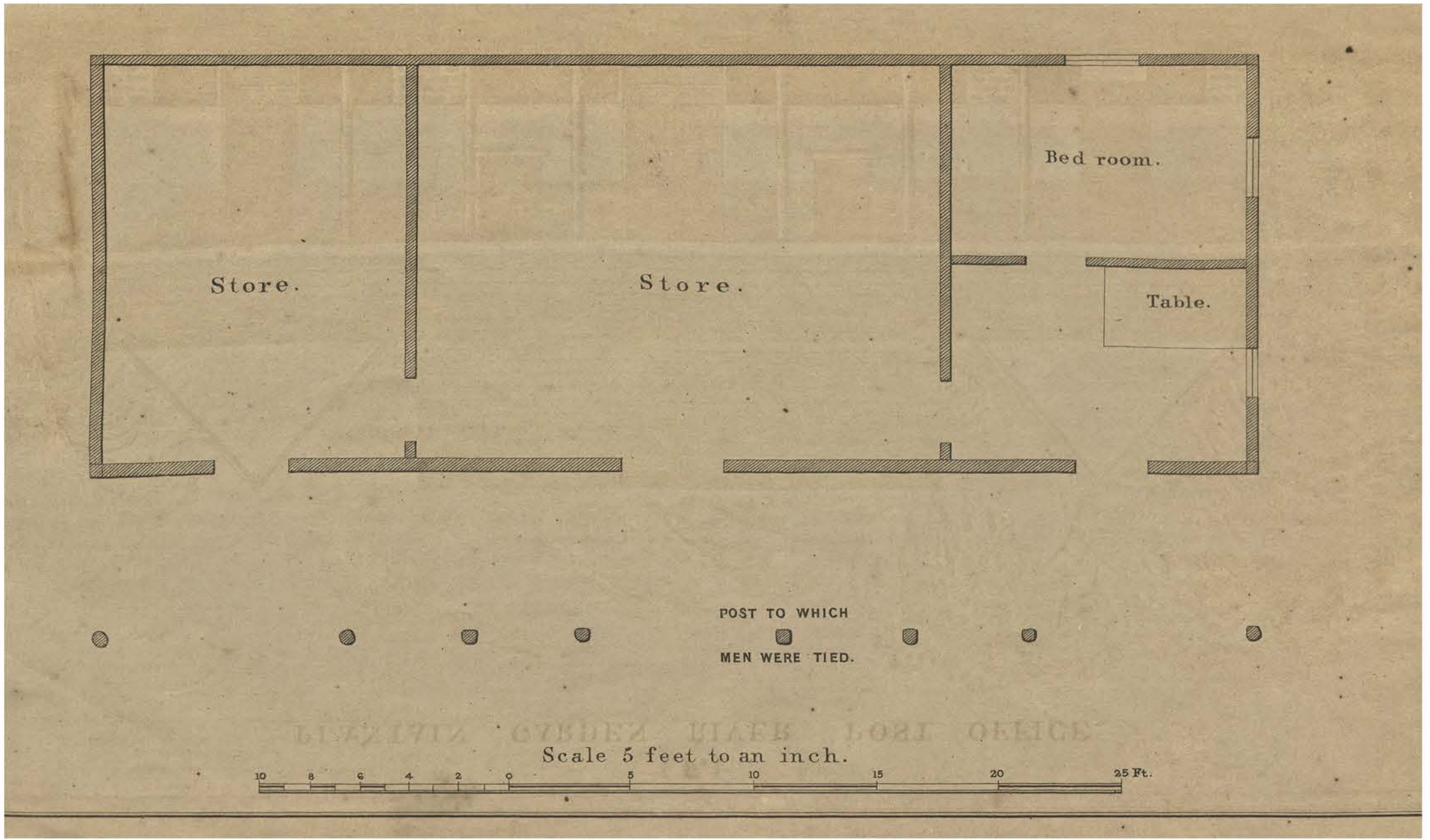
PLAN OF GROUNDS NEAR PLANTAIN GARDEN RIVER POST OFFICE.


Scale 20 feet to an Inch.
10 0 10 20 30 40 50 60 70 80 90 100 110 feet.
Iron Bridge
To Manchioneal
Shed
Post Office
Bamboo fence closing up opening in Logwood hedge
Grave
Road from Golden Grove
Bamboo fence
Duckinfield Grass Piece.

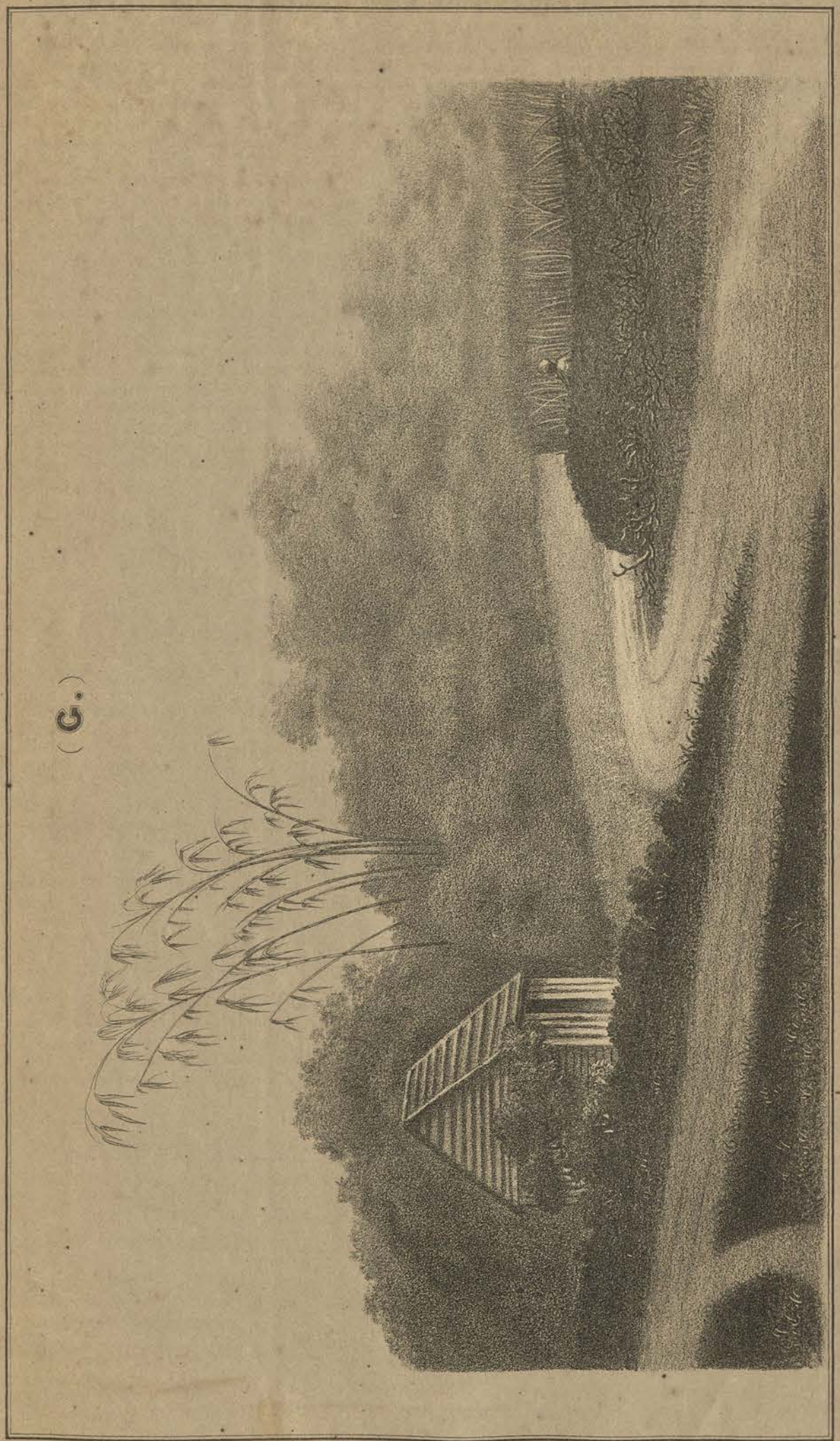
(F.)

PLANTAIN GARDEN RIVER POST OFFICE.




Store.
Store.
Bed room.
Table.
POST TO WHICH
MEN WERE TIED.
Scale 5 feet to an inch.
10 8 6 4 2 0 5 10 15 20 25 Ft.

Nº183.—RETURN.—JAMAICA.



(ن)

Appendix (H).

While I now, however, to save the time of the Court, abstain from at length entering into or commenting upon the full subject-matter of my defence, I cannot (prisoner as I am on this disgraceful charge) but protest that I most bitterly feel that this inquiry was instituted, and is being held, at a time when passions of every kind in the colony, and in the mother country, have been greatly aroused on account of the rebellion in this island; and I may be pardoned for thinking that in my person the credit of the whole service is at stake on this inquiry. If I was so clearly guilty, why was I not at once placed under arrest, and prosecuted in April last? Why was I so long a time continued in the discharge of my duties as an officer after the same period just mentioned?

If I was so clearly guilty of this foul charge, why were not the bodies exhumed in April last, at latest, so as at once to remove all doubts entertained or expressed?

You will pardon me for this outburst of feeling, if you only bear in mind that the die of my life is cast upon your decision, if not the honour of an officer of the Queen.

Conscious, however, of my innocence—fearless of the most searching inquiry—I feel assured that when in all judicial purity your unbiassed finding shall have been arrived at, the records of this tribunal will manifest that, though wholly inexperienced and devoid of counsel during a time of great peril and terror (when even wiser and older men might have erred), I have not disgraced the service, or dishonoured myself by the commission of the wanton cruelty alleged against me; and that to these records will I hereafter proudly point as your living testimony (some of the best and the most honourable of my comrades) of my still stainless character as an officer and a gentleman.

Craving your continued calm forbearance and sympathy through this torturing ordeal for one but a youth (stouter heads might quail), I will at once proceed with the evidence for my defence.

(signed) *F. J. Cullen*, Ensign,
1st West India Regiment.

(I.)

PRINTED PLACARD.—(See Question 1340).

Appendix (I).

JAMAICA ROYAL COMMISSION.

I HEREBY give notice, that Mr. Edward Whitehouse Lewis has been appointed by the Royal Commissioners to visit the parish of St. Thomas-in-the-East, and make inquiry of all persons who can give evidence of such importance as may require them to be summoned as witnesses.

Charles S. Roundell,
Secretary to the Royal Commission.

Spanish Town, 13 February 1866.

(K.)

MEDICAL CERTIFICATE as to Illness of Prisoner.

Appendix (K).

Up Park Camp, Jamaica, 15 November 1866.

WE certify that Ensign Cullen, 1st West India Regiment, is still suffering from fever, and that his attendance on the General Court Martial at Kingston might be followed by dangerous results.

We are of opinion that he will not be able to attend the Court before Monday, the 19th November 1866, with safety.

(signed) *G. T. Woodman*, M.D., Staff Surgeon.
John Dunlop, Staff Surgeon.

(L.)

MEDICAL CERTIFICATE as to Illness of Captain *Walters*.

Appendix (L).

Kingston, Jamaica, 26 November 1866.

THIS is to certify that Captain Walters, 44th Regiment, is too unwell to sit on the court martial this day.

General nervous debility and biliary derangement.

(signed) *G. T. Woodman*, M.D., Staff Surgeon.

To Captain Maclean, Deputy Judge Advocate.

Appendix (M).

(M.)

The SECOND ADDRESS of the Prisoner Ensign *Cullen*, as prepared by his Professional Friend, allowed by the Court, the Advocate General, *J. S. Williams*, Esq.

Mr. President, and Gentlemen of this Honourable Court,

THE Royal Commissioners thought it their duty to comment upon the subject-matter of this charge as follows:

> "A good deal of our time was occupied in an inquiry into the case of an alleged shooting of three men, by a detachment of the 1st West India Regiment, under the command of Ensign Cullen.
>
> "The evidence was conflicting, and we do not feel called upon to decide upon which side the truth lay. But we think the character of the service is so deeply involved in a question affecting the conduct and veracity of two officers, and several men, that it may well form the subject of further inquiry."

I have already besought your earnest and impartial attention to the remarks made by the Commissioners as to the characters, and motives, the bias, and ignorance of the witnesses, who (on an inquiry to a certain extent exactly the same as yours) appeared before them, as before you, to establish this charge of cruelty—may I not call it murder?

The several members of this Court may be in a position to know the instance of the woman who swore before the Royal Commissioners that she had been brutally flogged, yet failed, on medical evidence before Sir Henry Storks, to have received a single lash; and another instance of the woman who there swore that she saw another woman shot, and immediately delivered of a child, and that the child (still-born) and the mother were buried together; and that in company with the Royal Commissioners she went to the spot in question, when she fell down on her knees, confessed she had sworn falsely, and that the whole statement was a fabrication, and that she sued for pardon.

It will be for the Court on this momentous issue, without doubt, to decide whether, in my person, the honour of the service is to be tarnished by there being set aside all the doubts which the Royal Commissioners (on weight of testimony far less produced before them on the part of the soldiers) yet thought fit to entertain as to the credibility of the witnesses, who ventured to swear before them, as before you, to the commission of this foul outrage, for which I am here prosecuted.

Surely tenfold greater must your doubts be as to my alleged guilt, when, bearing in mind the solemn declaration of such men as Lieutenant General Sir Henry Storks, and the Right Honourable Russell Gurney, Q.C., and John Blosset Maule, Esquire, Q.C. (Recorders of London and of Leeds), you calmly consider the whole of the evidence before this general court martial.

Mr. President, and Gentlemen, you are charged with the offices of judges; to you is, as you must feel, sacredly entrusted the credit of the military service of Her Majesty the Queen, before the eyes of the whole world, even though it may seem, at first sight, that only the prospects of a young ensign are in jeopardy.

In commenting, therefore, upon this voluminous evidence, pray pardon me if I do so with a full sense that it is not only my character as an officer and a gentleman which is at stake, but also the fair name and reputation of every British officer. I first thank Colonel Daniell for the manner in which he has discharged his painful duty. I earnestly trust that he will not think that my comments at all refer to him, or those concerned with him for the prosecution.

Now, the 21st October 1865, Saturday, is of the most vital importance; for if the offence charged was not committed on that precise day, it most certainly was not and could not have been committed by me, or under my command, if even it was committed at all. On no other date is it pretended, or can it be shown, that I marched with this detachment from Manchioneal by the Post-office, and after halting there for hours, on to Golden Grove; it is while on this march, and this march alone, that it is alleged that these three men were killed by soldiers under my command.

Now, then, take the witnesses for the prosecution, who have spoken to this particular date, and ask, I entreat, yourselves these questions—

First.—Are they all persons who can read or write?

Second.—Are they all persons who had any particular reason or motive for recollecting this particular date, and yet no other?

Third.—Are they all persons whose position or character would entitle them to credibility as to particular dates?

Fourth.—Consider the lapse of time—a year! When first did they tell their story as to this transaction, and not only so, but also the identical date?

Fifth.—Are some of these people most probably actuated by revenge, and influenced by pressure of others to combine and concoct a story, so as to pervert certain facts, innocent in themselves, into deeds of gross crime, and so as to transpose the time of the commission of a fact to another day, so as to suit a diabolical purpose?

Sixth.—Do some of the most important witnesses for the prosecution venture to speak to any dates at all?

You

You will assuredly find that of the several witnesses (probably some of them flogged during martial law) called as to most important dates and facts, 13 are mere labourers, and can neither read nor write, nor tell the date of any other principal occurrence whatever, even during the rebellion, or this year, or last year.

You will certainly see that none of the witnesses for the prosecution had any particular reason or motive for any such recollection at the time, or for long after; most of them did not come forward till this very Court was to hold its sittings just after the prosecutor (of course with a preconceived object) had in the name of the Queen, in performance of his most irksome duty, proceeded to Saint Thomas-in-the-East, in September last, to scour the district for evidence, unfortunately necessary, from persons of the lowest class in life, persons but ever ready to get up and swear to a grievance. The rest of them (two only) did not appear until the 17th and 19th of March, at the instigation of those who, if the truth must be told, took advantage of the ignorance and passions of the people, and sought to make political capital to serve unworthy ends.

Do take the report of the Royal Commissioners; remember the evidence of experienced persons sworn to before this tribunal; forget not, Mr. President and gentlemen, your own personal experience of the crowds of persons who rushed upon you with their concocted tales of grievances and oppressions, when you went down to Saint Thomas-in-the-East solely for the purpose of this judicial investigation; and then, Mr. President and gentlemen, you may be able to judge for yourselves in pity, but in justice, of the credibility of the witnesses produced for the prosecution.

Again, who ever heard a whisper of this tale until March last? and yet the Royal Commissioners had been sitting in Spanish Town from January until April, and, in addition, one of the Commissioners had proceeded to the spot, and had been rigidly inquiring into these matters from the 22nd February to the 29th, irrespective of other extraordinary means adopted by the Royal Commissioners, and their special agent, Mr. Lewis, to say nothing of those who, from abroad and in the colony, were eager a thousandfold to intensify and exaggerate the alleged barbarities of the soldiers during martial law.

Mr. Sinclair, the overseer of Duckenfield, and Mr. Chisholm, the overseer of Golden Grove, men who employed hundreds of the labourers in that district, heard nothing of this tale till March or April 1866; only, however, when Manning and Anderson set it afloat.

Mr. Harrison, a resident magistrate, and an attorney of a large estate, a person constantly amongst hundreds, if not thousands, of all classes of the labouring population (especially at Amity Hall, one to whom all their tales of grievances were accustomed to be made known), never heard of this supposed occurrence until March or April last, after the same man Manning, with Anderson, had got the rumour current; and, stranger still, above all, that, although Mr. Harrison was in the almost daily, if not hourly, communication with the same nine men of Amity Hall (the grave-diggers, who are said to have buried the three prisoners alleged to be shot), he never heard from any of them this tale; but they, without any cause whatever, kept it from him, their friend and benefactor, as a most profound secret; not till September 1866 did even they, for the purpose of exhumation of some bodies or other in an old burial-ground, venture to say one word about this their tale of horror.

Fortune favours the brave. So it did the promoters for the prosecution, on their road in St. Thomas-in-the-East, in September, amongst the peasantry; but fortune is fickle, and may turn towards me.

What are the characters of the principal instigators of this conspiracy; and, to use the language of an Attorney-General in England, "this traffic in testimony" and dates. Who is George Manning? Why, a fanatical demagogue and disturber of the lower classes of the people. Who is Anderson? a flogged rebel, and a fanatic; a man who swore that he had forgotten all about the matter; but he "prayed to the Lord, and the Lord revealed the facts and the dates." Who is Cecilia Robinson? The records of the evidence will tell whether she was brought before me for robbery. Duany admits himself to be a poor illiterate fellow, scarcely able to read or write. Who is Donaldson? The Court remembers its severe censure on him for the motive by which he appeared to be actuated in giving his evidence. As to Bryan, the custos of Saint George, Mr. Hosack has told the Court what is his character. Had Dight, the book-keeper, not been too ill to travel, the Court would have heard of Bryan more. Besides, if the medical evidence be correct, that the injuries were received on the front of the head, then Bryan's evidence, that the prisoners' backs were towards the soldiers when they fired, is a gross exaggeration, if it is not positively false. As to poor Harriett Warren, her pretended husband, who, she swore, could read and write, turns out to be wholly unable to write, and to be, not her husband, but her paramour. Are not the rest misguided frequenters of Manning's shop, all living in Manning's neighbourhood, some his servants or under his control, easy of access, too ready to listen to their native Baptist parson, Manning; their native Baptist teacher, Anderson, and only too ready to do as they are bid, so as to make up any story of cruelty and oppression. How easy to concoct a date and apply a few facts, if ever any existed, with other suitable additions, to keep "all in the head," to get it taught like a parrot.

It is a matter worthy of consideration that none of the alleged grave-diggers (who were Amity Hall people, and not so much under Manning's control) venture to speak to any particular date of the burial, some not the month, some not the year.

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As to the recollection of dates, take the evidence of Peter Phillips :—

Q. "Why cannot you tell the beginning of martial law?—*A.* Because I did not date it.

"How do you remember it was the 21st, if you did not take the date?—I took the date after, but not at the beginning.

"When did you take it?—On the 21st October.

"Did you take the date on or after the 21st?—On the same 21st.

"Why did you take it?—On purpose to remember when the men were shot.

"At what place did you take the date?—In my own house.

"On what day?—The 21st.

"Where is the book or paper on which you took the date?—I did not keep any book, as I can't write; I asked the white people what the date was; they told me, and I held it in my head.

"What day of the month is this?—I cannot tell, because I have not considered it at all.

"You said you considered the day, and asked white people; who was it that told you?—Charles M'Dermott, one of the book-keepers on Duckenfield Estate.

"Did you ask any white people to tell you the 22nd, and who were they?—Yes, I asked Mr. M'Dermott; he told me both dates; I kept them in my head."

Now, Mr. M'Dermott swears he was absent from the breaking out of the rebellion until the 28th of October 1865, and denies ever having told Phillips any date at all, knowing nothing of the matter himself; and Manning swears that if Phillips swore, as he did, that he, Manning, was charged in the presence of Mr. Sinclair with having been concerned in the rebellion, he swore falsely. Who, then, is the liar on oath: Manning himself, or Manning's witness, Phillips?

Take the evidence of Robert Speed :—

Q. "You swore on Saturday that you could not tell the month in the year; you were sick; how was it you were able to pick out the 21st October last year as being the exact day of the month and the year in which all this happened?—I know it so far at the time the three men were shot by the bridge; I knew the exact day of the month; I was obliged to know it, because I carried it in my head all the while; but the time I was sick I did not know the exact day of the month.

"What day of the month was last Saturday week?—I did not much particular about that.

"What was the day of the month of last Saturday?—I don't know; I was not much particular what day of the month last Saturday was, but I was very particular with the days in last year, October 21st and October 22nd. The 21st was a Saturday, and the 22nd Sunday.

"As a constable, you surely know what day of the month and day of the week martial law left off; tell it to the Court now?—I think it was the end of October, but I cannot really say the date of the month or the day of the week.—(Really the middle of November.)

"You are a constable; tell the Court what day of the week and date of the month the rebellion broke out at Morant Bay?—I think it was a Saturday, but I don't know the day of the month."—(It was not a Saturday, but a Wednesday, 11th October 1865).

Take the evidence of Syphax Wills, and you will find his reason for knowing it was the 21st October was because he heard the parson give out that the Sunday previous to the 21st was the 14th, it being apparent to the Court that the Sunday was neither the 14th nor 16th, and it being in evidence (if this was his mode of ascertaining the date) that the fact is that there were no places of Divine worship opened during the rebellion, the clergymen being (except one of them, murdered) all refugees in Kingston.

Take the evidence of the six persons who spoke of the burial of these three men alleged to have been shot, and you will find (with the exception of Thomas Wedderburne, who only spoke to the month and year, though he did not know the precise day; and of William Huntingdon and William Barclay, who also spoke as to its being last year on Sunday), that none of the three others knew the month, the day of the month, nor the year.

As to Richard Taylor, he states he assisted in the burial of the three men during martial law, on Sunday; but he swears to neither month nor year.

As to Nathaniel Wilkie, he states he did so in martial law, and only so.

As to Zachariah Bayley, he states it was on a Sunday in martial law; no more.

Then take the evidence of Harriett Warren, and can the Court, however charitably disposed towards her, reconcile her knowledge of dates with truthfulness on her part, when she swears in precise language that she could remember that these bodies were buried on the 22nd October 1865, at ten o'clock, and yet she could not tell when the bodies were exhumed, though present, as she says, and it happening on the 26th September in the present year, but scarcely five or six weeks ago! To use her own words: "I cannot recollect the day this month when I went to see the grave; I recollect the 22nd October was on a Sunday, because I was going to church! and as there was no church, I turned back, went home, and took off my clothes!" and that her husband (without any cause or reason), who she says can read and write, put it down on the Sunday. Her husband is not produced, though he could read and write, and though a few days before she came down the date was still preserved on the piece of paper (for she saw it, she says); she, however, cannot

read

read or write, nor for recollection read that paper! What is the real truth? Harriett Warren has no husband; she lived during martial law, and lives, with a man who certainly cannot write.

If all these witnesses had been told to swear that the date was the 1st April, can the Court now doubt that it would have been done with equal recklessness and facility of remembrance?

Having regard to the utter impossibility of any reliance on the fallacious attempt to fix a date from over 13 of the witnesses at least, let the Court be pleased to consider the utter subversion of all experience in its believing that, even to these people, events of 12 months' standing are more easy of recollection than events of 30 days; that ignorant people alone, in the time of wide-spread confusion, terror and anarchy, should have had their intellects so wonderfully clear and lucidly distinct, that dates remained impressed on their minds; and yet, in calm periods, subsequent dates of importance and notoriety are absolutely unknown or forgotten. I rest assured that this feature will be regarded as most striking, as evincing an attempt to make ignorant people fix this particular date on which I happened, in the discharge of my duty, to be at the post-office, as being the day of the commission of this crime.

With regard to Samuel Bryan and the constables, is it so plain, and without doubt, that even they all speak of the same identical day. It is certain, from their own evidence, that they could not have seen the soldiers actually fire, and also that they did not remain at the spot that day after the prisoners had been taken out of their custody, and, as two of them state, the three returned at the same time to Golden Grove.

As to the witness Francis, who is said to have made his escape, he may with all truthfulness have been a prisoner at some other day, and at some other place; he, however, never saw any prisoners shot. Cornwall, a witness for the prosecution, was present, but saw no prisoners and no shooting; if indeed that day was the day, and that place was the place. He delivered his account—strange that he should do so?—at the post-office, miles off from his own shop, on an unexpected halt.

With regard to Manning, he never pretended to Mr. Lewis in March, that he ever himself saw any shooting at all, or mentioned any particular day, or stated that I was the officer in command, or giving orders. Duany and Anderson never made any statements to Mr. Lewis; and as to Manning, Anderson, Duany, Donaldson, and Cecilia Robinson, can the Court doubt that they did not and could not actually see any shooting? First, they could not; for they state themselves that they did not leave the shop; and secondly, because they could not (if Harrison, Chisholm, Sinclair, Watson, and Dr. Anderson are credible witnesses) possibly from that shop, or even from abreast the Iron Bridge, see what was going on at the bamboo, opposite the bamboo rail, or the bamboo rail fence, in the logwood fence, on the Holland Bay-road, in consequence of the height and width of the logwood fence last year. None of these same witnesses (for the prosecution) pretend that they were ever at the draw-rail on the Sunday morning at or about the digging of the grave.

As to all but one man, none of the witnesses who alleged that they saw the bodies on the bamboo rail on the Sunday morning (if indeed they went there at all that day) were at the post-office or grass-piece on the preceding Saturday, so as to see any killing by soldiers of any such persons.

It may be said that though people in the lower classes of life might not remember dates, they would remember "Saturday and Sunday" in martial law; but then, to be of any force, it must be the particular Saturday and Sunday of the dates mentioned. It may be, that for the purpose of fixing this charge on me, a Saturday and Sunday have been selected, as well as the only Saturday on which I was known to be at the post-office; but there were besides, several other Saturdays and Sundays during martial law; and moreover, it is quite clear that none of the witnesses knew when martial law began or ceased.

I would urge the Court to reflect that well-known text-writers and judges have constantly held out the warning that "experience teaches the danger of relying implicitly on the evidence of the most conscientious witnesses respecting dates, days, loose conversations, and questions of identity."

I invoke the Court solemnly to consider whether it is not most suspicious that persons who in the most ordinary circumstances of life are utterly unable to speak with any degree of accuracy whatever as to the dates of the commonest known events, or of the details of even most recent facts, should now, though six months or twelve months have elapsed, swear with such extreme positiveness, precision, and minute detail, as to these occurrences, long past and out of intimate recollection; and also be found each and all (especially those under the control of the principal witnesses) to tell their story in several batches as to several parts, the same the one as the other, in all minutest, harassing particularity and sameness.

How is it that each can remember and tell the 21st October 1865, the names of Dr. Morris, Corporal Hunter, and mine (men whom they never knew before), of the very identical spot at which each and every one of them was, to a whisper; even to brains on a sword (when Hunter wore no sword); even to the word "Tue" (such a word soldiers were not accustomed to use), and to using certain language to a prisoner; even to a man saying he would go now and eat his breakfast. It is what one in my position may not unfairly say, but the necessary making up of the concocted tale of perjury, "distorting the truth," "accumulating the lie," "piling a pyramid of calumny!" the only tittle of truth being my presence on a certain day with soldiers at that post-office on this march. Had the

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name of Lieutenant Adcock been necessary for the tale, might not the same use have been made of his name? Yes. Oh! let the Court but remember that George Manning, the local preacher, was charged as being a rebel while this same detachment was there; that he had to fly for his life. Let the Court remember that Anderson was a half hallucinated Baptist teacher, who had been flogged; that both of them were political and fanatical demagogues, with others who have gone to their account in St. Thomas-in-the-East; remember that these men may well have considered they had cause for revenge, and may possibly have been urged to that revenge by interested and better educated men in March last, and that no one person could have been found more happily to fit this tale than myself; the one best known as the officer who was probably longest about Golden Grove with black soldiers; the one who, with Dr. Morris, was pointed out all along to others by some who may have known me in Kingston and Spanish Town, as I came along to and up the steps and hall of the Council Chamber, as the one rumoured about. Thus can you, Mr. President and gentlemen of this honourable Court, perhaps only thus, properly understand and estimate this hazardous and shameless traffic on the ignorance and passions of persons, the too ready tools of such men as the so falsely called "friends of the people."

Is the cry for my everlasting shame, or rather living death, so great in these days of false philanthropy and aped humanity, that I must be a victim? Is the honour of the service to which I belong to be brought to such a pass as this? God forbid it! your finding will, I earnestly pray, prove that it will not.

Let me call the attention of this Court as to what any one who has listened to or read the cross-examination of the witnesses for the prosecution and the defence will readily, perhaps, conclude. The Court cannot but have noticed the contradictions and prevarications (and the "non mi recordo") of the witnesses for the prosecution; and manifest as have been the different statements of some of them before the Royal Commissioners, compared with those sworn to before this Court (which would have been rendered more glaring had I been able to produce the shorthand writers from England, or an absent witness, Mr. Walcott), the Court must have perceived the very suspicious complicity of all the witnesses for the prosecution. Can any such remarks be fairly made of the evidence for the defence? Surely their evidence has been straightforward, positive, and clear. It might appear, perhaps, that Hunter and Wolstenholme contradicted each other, Hunter stating that Wolstenholme went with him from the post-office to Golden Grove; but it is doubtless true that Hunter only went, and that Wolstenholme remained; the mistake must have arisen from the fact that Wolstenholme was with Hunter from Manchioneal to the post-office. Again, another witness, a private, says Hunter remained at the post-office, for he saw him after he came from bathing; that may well be; for as he went to bathe immediately he arrived at the post-office, and stayed no time, he may well have afterwards seen Hunter, and yet Hunter may have, after that, as several witnesses proved, gone on to Golden Grove before me and the main body. Conclusive, however, are all upon the same point, namely, that no persons were shot from their arrival at the post-office that day to their leaving it for Golden Grove.

If the prosecution disbelieved the soldiers, why not have cross-examined them as to the absence of Corporal Hunter and the alleged killing of prisoners?

It is a matter worthy of comment, that, on the cross-examination of the soldiers, not a word was asked as to the actual offence now charged, the one main point solely in dispute; the whole tenor and purport of the prosecutor's cross-examination of the soldiers, and of Berry and Drysdale, negatived the testimony of his own witnesses as to their presence at the shop on the day in question. Thus has he himself furnished evidence for the defence, to the effect that, though his own witnesses may have been present at some other time or day, and then seen prisoners brought to the neighbourhood, they were not at the post-office on Saturday, 21st October 1865, during that march.

Is it not also remarkably singular that all these witnesses to the same Saturday, 21st October 1865, though living near by this shop, the post-office, on the highway, and all in the same district, should have chanced to stop and assemble together only on this particular Saturday, while they, at the same time, state that they never had been in the habit of meeting together on other days as they did that day. The presence of black soldiers at such a time would rather have kept them away; as, indeed, Captain Astwood states was the effect.

One of the strong points brought forward by the prosecution is, that Corporal Hunter, on that Saturday, 21st day of October, had charge of the prisoners, and took them down to be shot, and was dabbling in brains with a sword, which is highly improbable, if not impossible; and although, indeed, he really had no such relation, a convenient fair cousin (following the French expression) is found in Eliza or Elizabeth Phillips for him. As if to lend colouring, currency, and weight to the story, his own cousin is called, and says that he, on that day, boxed one of the alleged prisoners, and therefore he must have been there on that day, because his own cousin so swears. What a cunning and deceptive device! If, however, this principal point as to Hunter be utterly falsified, or rendered so utterly doubtful, what becomes of the rest of the case against me?

Here I may observe that the witnesses who speak as to the orders given, say that the word "Fire" was the expression used. This Court will judge whether it was at all probable that such a term would be used by the regular soldiers, or, if it at all, by Maroons or Volunteers.

Now, what are the real facts as to Hunter's presence on that day? Drysdale, who probably

bably knew Hunter (he had lived in the same parish), did not see Hunter at the post-office when he, Drysdale, came up after the detachment; that Hunter had gone on, is sworn to by Wolstenholme, and three or four others, who most positively stated that Corporal Hunter was sent forward with a section of the men about 10 to 15 minutes after the detachments arrived at the post-office, and that he never returned that day. Hunter has positively sworn to the fact of his absence from first to last, at least half a mile off, at Golden Grove, during that day from the post-office, when and where he is principally charged with being the chief actor in carrying out the brutalities in question. Lofthouse confirms the fact of Hunter's being seen at Golden Grove somewhat.

It is especially worthy of notice that no single witness for the prosecution pretends to say that Corporal Hunter had a horse, or that these outrages were committed by mounted troops, or that horses were ridden there on the same occasion.

It is the fact, however, and has been proven before the Court by evidence in defence, that the soldiers under my command were almost entirely mounted. Does not this furnish the Court a strong argument that, whatever may have been done on any other day, no such deed as charged was done by mounted troops on the 21st October 1865, and therefore not by me, or in my presence, or to my knowledge?

Is Manning afraid of the Maroons, that he has chosen to identify me with black soldiers?

With regard to what really transpired on that same day on this march, there is the record of my own oath before the Royal Commissioners (at a time when, if I had chosen to lie on oath and confess, all would have passed quietly, and at a time when there was no fear of this prosecution or any inquiry), that no such wanton outrage took place on that day, as it indeed could not any other day, by any possibility, by troops under my command. Such my solemn oath may surely yet be considered not of less value than the oaths of such men as Manning and Anderson, and of those who, perhaps, have innocently been deceived by him into this conspiracy; but, thank God! I can appeal to the testimony of others.

Manning is the only person who speaks as to any particular time that the prisoners were brought in and shot, namely, between 9 and 10 o'clock, a.m. Now, police serjeant Drysdale was there on the same Saturday soon after 9 a.m., and remained till about 10 a.m., and actually saw and spoke to Manning (only two others, a man of the same colour as Manning, and a woman, being there then); the time fixed by Manning is the time sworn to by Drysdale as to his being at the post-office. At this time it is clear that no persons had already been brought in, and that Manning had given no information whatever to Drysdale; it is clear that no persons were then there tied to be flogged or shot; he (Drysdale) went from the post-office towards Golden Grove, passed through the square to Morant Bay, but met no prisoners or constables or book-keepers on this road from the post-office to Golden Grove works, as he must have done if they were at the works or on the road.

It is therefore clear for some little time that, even after 10 a.m., no such persons, prisoners, constables, or book-keepers, were at the works, or on the road, or at the post-office. This period of time is the only period of time sworn to by any witness whatever in fixing the hour of the commission of this outrage. The Court cannot assume any other period of time whatever than that which the prosecutor has proved on oath to make out the charge.

Captain Astwood swears that Mr. Berry and Mr. Brandon were sent that same day from Golden Grove by the orders of Captain Adcock, and at his own instance, to call me up from the post-office. Mr. Berry swears that he arrived at the post-office that same day, about one o'clock, with Brandon (now in England), and that they saw Manning there at his shop; Woolstenholme confirms that statement; he says that two mounted volunteers, dressed as such volunteers were then dressed, did come that day to the post-office. No prisoners were met, or seen, or heard of that day by Berry; and, according to Berry, he and Brandon remained about the post-office the whole time, and returned with me, and the remainder of my detachment and the volunteers, to Golden Grove that same day, I being evidently in his view, or near him, the whole period; so nothing could have occurred between the hours of Berry's arrival and departure without Berry's knowledge. Had anything occurred between 10 and one o'clock (that is, between Drysdale's leaving and Berry's first appearance), surely in all human probability Berry would have heard from Manning, or some one else, of it. Berry, however, has sworn that he on that day heard not of, nor saw, dead bodies thereabouts, although he was actually in the same grass-piece, near the spot where the men were alleged to be tied and shot, and left exposed openly (his attention being attracted to the canes on Duckenfield, looking as if destroyed by insects). It is clear, then, that the alleged shooting of the prisoners, if any, did not occur either before or whilst Berry was there. Let the Court see what becomes of Manning's pretended character for credibility and humanity, when he said not a word about what he must have believed to be a gross atrocity, if it had been true that such an outrage was committed on the day alleged. Manning was in no fear then of soldiers; he told Berry he was glad they had come, for he feared the rebels; he surely, at the same time, would have mentioned the fact of the three men being killed, if it had already occurred, or was about to take place that day.

It is sworn that my detachment and myself remained there at most only four hours; the whole period of time, therefore, is abundantly covered by the evidence of police serjeant Drysdale, volunteer Berry, and the non-commissioned officers and privates, who all most positively swear that no such atrocity was committed that day, the only day, I repeat, on which it could possibly have been committed on this march.

It is remarkable that not one of the non-commissioned officers or privates, except

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Corporal Hunter, has been ever recognised, or charged by the witnesses for the prosecution, with being concerned in the alleged shooting of these three men; none saw Woolstenholme at all. It will no doubt be strongly urged by the prosecution that these soldiers would not be likely to admit my guilt, if any such existed, or to commit themselves. The answer to such a supposition is plain; no one has attempted to doubt that all these men, the soldiers, or most of them, in their sworn evidence before the Royal Commissioners (when no prosecution was feared), made the same statements on the main questions as they have before this Court on oath; they also right well knew then, as they know now, that if they had committed the acts charged, no blame could (as it had not for six months, or even now) possibly fall on them for obeying my orders, or those of Dr. Morris, if any had been given; they know too that this Commission is that of the Queen, held by officers of far higher rank than myself, and, to a certain extent, against one in disgrace; many of the soldiers are black men and creoles; many of the soldiers too are not of my company. The Court knows how much prone human nature is to trample upon a fallen man, or one thought to be so.

Thus, for the period of 9 to 10 o'clock, and 1 to 3 o'clock, in which their testimony is confirmed by Drysdale and Berry (as well as for the three hours, 10 to 1 o'clock), there is evidence of all the soldiers, not reasonably doubtful, to explain my actions, and to remove the foul stain attempted to be cast on me.

I must solemnly appeal to the records of the Royal Commissioners; my plea of Not Guilty, now here recorded, is no mere idle form; it is the deep, bitter, impassioned record of the truth.

The Court will bear it in mind, that although the most strenuous efforts were made in April last, no less than a large majority of the witnesses for the prosecution before this Court have been here for the first time produced, although on the royal inquiry they were all throughout in the same district. What opportunities for Manning and Anderson to exercise the most pernicious influences over these same persons! What promises! what threats! what hopes! what fears!

I would respectfully ask the Court to consider my demeanor and conduct just afterwards, the day in question at Golden Grove. Would the killing of these men have been at the time considered an outrage in St. Thomas-in-the-East? Would it not rather have been looked upon as a matter of conversation and satisfaction, than of concealment or regret, in the then troubled state of the times in St. Thomas-in-the-East. By the evidence of the volunteer officer, Captain Astwood, who saw me on my arrival at Golden Grove, it is testified that I and he most freely and fully entered into conversation respecting all occurrences on the march of that day; but that nothing was stated by me of any such occurrence as the subject of this court martial. Even had I not mentioned it, surely some of the soldiers on the detachment would have spoken of it, if it had happened at all. At that time who doubted aught else but public approbation; what officer then believed aught else than that he had done his duty?

By the same providence which, while this Court was sitting, sent back from Hayti, in the Island of St. Domingo, the witness Berry (whose name had been previously, without avail, sent in to the Deputy Judge Advocate, to be summoned), and had so ordered it that Serjeant Drysdale should, like Berry, have been on the spot on the 21st October 1865, it has transpired that on the 22nd October, the Sunday morning, between half-past six and half-past eight o'clock, at the very time when the bodies are stated to have been still tied to the road fence unburied, a body of troopers under Lieutenant Adcock, with strict orders to look out on either side of their route, should have been on this very road in question. Several of them, in passing the post-office, within 200 yards of the place where it is said these bodies were tied, saw Manning at his door, and conversed with him; but not a word even then from him as to any men being shot, whom he and others (according to his and their account) had stood by, and witnessed the day before; not a word then of commiseration was uttered for these poor miserable massacred beings there tied, cold and dead, food for the vulture; not a humane thought then for those who, by his hypocritical expression of pity and horror, had been, as he pretends, prevented being butchered in front of his own door; not a word, not an act of charity, then from this saintly preacher for those who (whilst he was comfortably sleeping in his house that very Saturday night, he knew (if there be truth in this tale) were still exposed, ghastly chilled by a midnight blast, keen indeed, but not keener than that man's puritanical sympathy, this friend of the people, this minister of God.

Now of the number of mounted troops who passed along this road that same morning, some three or four of the front rank, and some others of the rear (stragglers of the 6th Regiment), mistook the road, and went in the direction of Holland Bay, the alleged scene of this tragedy; some went 20 or 30 yards, some 200 or 300 from the bridge down this Holland Bay-road, and returned; and yet there was nothing to attract their attention; no dead bodies were seen or heard of, although they would have been, if they were there still tied to a fence on the open road, where they still remained, as is stated for the prosecution, the whole Saturday afternoon and Saturday night, and Sunday morning until 10 o'clock. No carrion crows, the well-ascertained scavenger of the dead in this island, were hovering about; no scent issuing from the bodies in a country like this, where decomposition takes place so rapidly before interment that, if a man dies in the morning he must be buried in the evening for the public safety. No eight or nine people with hoes or shovels are seen on their way for the purpose of discharging the last office of burial of these poor men on that same Sunday morning.

What

What motive, may I ask, could induce men like Mr. Harrison, Mr. Astwood, Mr. Brass, Mr. Fowles, Mr. Davis, Mr. Lofthouse, Mr. Berry, and Mr. Watson, and the non-commissioned officers and soldiers of the 6th Regiment, to swear that they never saw or heard of these bodies, or any sign or token of them, or any crows, or of any men with shovels and digging implements, or otherwise, on that same spot or elsewhere on the road, and never heard of any complaint; when, in all human probability, if the fact had been otherwise, they must have seen or heard of all this at the time in question.

I press on the Court with all possible force of language and of argument, not only that the members of the volunteer force could not mistake the dates of the 21st October and 22nd October 1865, because they had to perform duties on each of those days, and records of the times would tell those dates, just with the same truth as the records show that the date of the 21st was furnished for this prosecution; but also (taking one witness to elucidate my proposition, and to exemplify all), that Mr. Watson's evidence is of the clearest, most cogent, and strongest, and convincing nature. He is absolutely confirmed by, at least, four other persons as to the extent down which he went on the Holland Bay-road; as to the day, and the hour, and the particular spot, the bamboo draw rail, commonly known on the Holland Bay-road, and as to the fact, whether or not, there were any dead bodies lying on that road, and then and there tied to that bamboo draw rail, which he well knew, for he actually noticed it at seven o'clock, certainly before 10 a.m. on that Sunday morning; and again in November this year, when he passed the spot on this Holland Bay-road to attend this Court. He is a man utterly disinterested and unprejudiced, except in swearing to truth. Unlike such men as Manning, Anderson, and others, he is a man intelligent, cool, educated, and religiously trained; he is an officer of the Government, and a son of one of the best and most pious of the Presbyterian clergy; he cannot be mistaken by any possibility as to these important facts. I cannot imagine that the prosecution will contend that Mr. Watson with others were uttering a wilful falsehood. Can, I most humbly and respectfully submit, there be any escape from this dilemma if the finding be against me upon this charge, namely, that you Mr. President, and most honourable gentlemen, have implicitly believed ignorant and revengeful witnesses for the prosecution, and that the Court must have arrived (every reasonable man will believe that the Court must have arrived) at the conclusion that Mr. Watson, with at least four or five witnesses on the self-same facts, has, without possibility of mistake (for that is out of the question), without motive, with no conceivable cause or excuse, been guilty of perjury before God and man? Nay, more, the Court itself cannot but most painfully feel that, if upon all this evidence there should result the stern duty of finding me guilty, the whole civilised world would consider (and with reason too), that the Court had been compelled to conclude that the prejudiced and grossly illiterate witnesses for the prosecution could not possibly be biassed or mistaken (even as to dates), and that the Court had, however, reluctantly put aside as impossible of application the golden rule of British criminal law (which seeks justice, but not victims), that everything not clearly proven to demonstration by the prosecution is to be assumed against the prosecution, and in favour of the prisoner, more especially when his character in respect of the supposed crime has been spotless; and, alas! moreover, that this Court with every desire for mercy, had been forced to entertain the belief that not only had all the military witnesses on my behalf grossly perjured themselves, but also that the numerous intelligent and unbiassed witnesses of all the civilians who have testified in my favour, custodes, magistrates, overseers, book-keepers, clerks, custom-house officers, medical men, military and civil, of great research and experience, had without any possible inducement, for a comparative stranger too, grossly conspired in a combination to defeat the ends of justice, and to carry out that object by the most fearful and appalling desecration of the solemn oath, "So help me God!" that ever was, or could be conceived or heard of in any age, or in any land. Such, though mournfully and regretfully, must the Court too well know is the responsibility which rests, not on the prosecutor or prisoner, but upon this high and honourable tribunal. If my language be bold, pardon it from one whose life-long character and lot are staked; pardon it from a young soldier of some honourable aspirations; it doth but ring here full and clear for the honour of the service! But, Mr. President and gentlemen, if doubts are to be entertained as to the testimony of the soldiers, volunteers, magistrates, police, and alien civilians, is not, I would ask, their credibility absolutely certified by testimony which cannot lie, the graves spoken of, and the bones produced.

As to the graves spoken of, Mr. Sinclair, the overseer, was on the very spot within 14 or 15 days in the first week in November last year, and saw no traces there of a fresh-made grave. M'Dermott and Wilson, the book-keepers of this very estate were there at work in December last year, measuring and scything the grass over and around the very spot from that bamboo draw rail, but saw no recent signs of any interment. Joseph Wood in December last year and this year, was on estate's wharf-business, constantly passing by this same bamboo draw rail, and inspecting the grass in this same field for pasturage stock, and yet he did not, and could not see any mound or other sign, as if the place had been recently used for burial; people again were constantly using the same bamboo draw rail as a common entrance, going quite close to, if not over the same piece of ground, and yet nothing is heard, or seen, or known of bodies recently buried there; while at the same time there is abundant evidence that other mounds near to this same hole, and also to this old bastard cedar stump, which would indicate those mounds as well (the whole field having been used at one period for cholera and other purposes in 1850 and 1854), and doubtless, as is the custom of the negroes, where they see other graves, for other

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burials generally from time to time. In March last, Mr. Sinclair and Mr. Chisholm were both on the spot, and ridiculed the farcical supposition that that spot was the grave of three men, who died only in October last year.

Is it at all free from manifest doubt that the grave opened on the 26th September 1866, at the instance of Colonel Daniell, is the grave in which three persons could have been so recently buried? The fact of three bodies having been found without coffins is explainable by the reflection that burial without coffins, and with several bodies in the same hole, was constantly practiced during cholera and small-pox, and other epidemics, and that it is not at all improbable that other graves in the same field may also contain two or more bodies. The bastard cedar stump was there for years, it is no fresh mark, there may be other bastard cedar stumps all over the place; this particular stump was also quite as close to other mounds just about the same spot.

But what is to be said of the fact that there are more of certain bones than the bones required for only three persons, found and produced from the same hole? It was never pretended that four men were buried there, and if this grave had the remains in part, or, in the whole, of four persons, then that spot cannot be the grave of the three persons, nor could these three persons have been the persons buried there.

Again, take the appearance of the bones exhumed, all raked up, piece by piece, from the hole. Rapid as decomposition may be argued, or supposed to be, it must be remarked that there was nothing to attract even crows (before interment). Who can say that these bones were only in the ground for eleven months and four days? Amongst them are parts of the human frame evidently much older, and longer interred than the rest. Is it clear that the skulls of one, or more, do belong to the bones of the bodies produced as being their parts? Is it clear that each set of bones belong to the same individual body? They were all mixed up together! Several bones, nearly 150, are missing, even to make up three complete bodies. There was no hair, or clothing to any perceivable extent; flesh and ligaments, and brains, and all soft animal textures were wholly gone; and the bodies were not in the slightest degree offensive when exhumed by Assistant Surgeon Kerr. The soil is a brick mould mixed with alluvium, tending downwards to sand; it is not dissimilar to any great extent to the several soils in which the rebel, and "Jones," and poor Mr. Hire were buried, and even that of the Reverend Mr. Herschell; the depth of the graves of these remains and that of Mr. Herschell and others were about the same; there is no evidence whatever of any extraordinary causes for discolouration or decomposition. An open field, near a road, high away from the river, and far off from its deep bed is the site of the grave; the bodies are said to have been killed and buried on hot dry days; other graves in the neighbourhood of persons buried about the same time, and in similar soil, still retain some elevation for the grave. Contrast the evidence of the state of the head of the rebel killed, and of Jones, who was hung during martial law, and also the condition of the remains of the Reverend Mr. Herschell, murdered on the 11th October 1865, just on the eve of martial law, with these dry bones, and then the Court can (as it will no doubt do) value the medical testimony!

And then as to the alleged appearance of wounds, not a single bone of any of the bodies is proved to be injured; one skull is wholly uninjured; two skulls have nearly all the sutures separated, and the sides of the head broken with large holes, and all so completely shattered that no bullet could have done it, while one of these two skulls has a hole, which might just as well have been inflicted by a pickaxe as by a bullet; the fractures instead of radiating from the supposed point of impact are parallel to that same point.

Again, is it not more likely from the appearance that all these wounds on the two skulls may have been inflicted after death? Experiments have shewn that similar wounds could be so inflicted after death by bullets on the dead skull.

How is it that all the wounds on the skulls, if inflicted by soldiers standing directly opposite only 9 to 11 paces, are confined to the left sides of the head and not on the front or back of the heads?

Can the Court believe that if 5 or 10 men, armed with Enfield rifles, were firing at three men tied opposite, from only 9 to 11 paces on a level ground, at a regularly marked space inclosed on both sides, and aiming, as soldiers are taught, at the head or breast, that the injuries inflicted from at least 20 or 30 shots fired, would have been so few on the skull without any serious injuries on the breast or rest of the body? Who is positively to say whether the wounds were inflicted by a spherical or a conical ball, or by a ball at all? If they were by a spherical ball or by the ball of a revolver, then the soldiers did not commit the outrages.

Now, under the circumstances of the supposed identity of the graves and bones sworn to, with the graves and the bones of the three men in question, negatived as all such supposition as to graves has been by their appearance in November and December last, and even in March this year, and by the testimony of the overseer and book-keeper of this very estate, Duckenfield, in which the bodies are said to have been buried, negatived also as to the bones produced by their own appearance of different periods of interment, both as to the whole bodies and as to several parts of the self same bodies, and by the almost unanimous testimony of five men of great medical and surgical experience, and admitted to some extent by the only medical witness for the prosecution, is the Court so well satisfied that the grave spoken of is the grave of these men, or that these bones produced are the bones of Walton, Bell, and M'Call?

The Court itself by a question put by the President, after the witnesses as to the identity of the three prisoners said to be buried on the 22nd October had for the prosecution been examined

examined and the case closed, asked of M'Dermott, a witness for the defence, if he had seen these same men lately; and the Court will remember the answer of the witness as to the migratory character and habits of such persons in that class of life, and that they never remain constantly on the same estate or in the same neighbourhood! And the Court may easily conceive that persons, who had been in any way concerned in plunder or rebellion about a particular district, would, as in numerous other cases, be but too glad to leave the same neighbourhood or parish. This, however, is clear that M'Dermott could not swear that these men were dead, nor indeed could the bookkeeper Bryan, Cyphas Wills, and Colson, who say they took them to the Post-office, and then returned; most certainly they never actually saw these men shot; nor did Manning, or Anderson, or Cecilia Robinson, or Donaldson, or Elizabeth Phillips, or Duany, or Isaac Cornwall, or Clarke, or Bayley, or Francis, or Speed.

The two men, William Barclay and Zachariah Bayley, who swore they came by next day, saying that they saw the bodies tied to the bamboo rail, never pretended that they were about the spot on 21st October, or that they stopped to examine any dead bodies in face, or body, or clothing, or age, or height, or any mark whatever, or that they went close up to the men with their heads lying downwards. All they did was merely to peep as they passed along the road; the men, who came to bury the three men, never pretended that they were shewn the bodies, or that they were sent by either of the two men, who have stated that they passed by on the morning, to bury these particular men (entirely unknown to five of the six grave-diggers, either by name or otherwise); they broadly state, not that the bodies were pointed out by soldiers, but that they were sent by two soldiers (met somewhere by the Amity Hall-road) to bury some men, but when, but where, but whom they swear not at all; they don't pretend that the soldiers ever mentioned any names.

May I not fairly ask (considering the lapse of time since it is alleged that this outrage was committed), may there have not been a confusion of times, of persons, of places, of facts, and circumstances, and events, in the minds of ignorant witnesses, blending all in a strange medley of ideas, and remembrances, not only pieces and parts of totally different and diverse occurrences, but also names and identities of persons; and may it not thus have resulted that certain persons, not being seen or found (and it being politic, if not necessary, to make out additional cases of barbarity on the part of the soldiers, by those whose special mission it was to "pilé horror upon horror"), the names of these particular persons were thought convenient to suit a preconceived idea and intent; and, as at Monklands and elsewhere, to exaggerate the slaughter complained of?

The Court must remember that, at the time spoken of, these three men were working at Duckenfield; the people who are called about the place of burial all come from Amity Hall.

How is it that not a single relative of any of these three men (two of them creoles) is called before the Court, except, indeed, a woman, who was not his wife, but his mistress, and who makes no attempt to identify him, and who had not seen him for a few days before.

Is the Court aware of a fact, almost now historical, that of the numerous charges of murders brought against the soldiery about St. Thomas-in-the-East, as of persons killed, many persons, whose names were sent in and sworn to before the Commissioners as dead, were afterwards, during the course of the inquiry, found to be alive? The Commissioners' Report could tell that. Mr. Commissioner Maule, might, were he here, tell this Court what transpired at Monklands and Morant Bay.

But, oh, astounding identity! Proof positive! Behold and wonder! In the same (old cholera) grave, olden, rotten pieces of leather belts, 'bacco pipes, odsfish, and buttons! Prodigious! Therefore, what unbeliever can be found to doubt that such men as M'Call, Bell, and Walton are dead, and that these things were there on their bodies at the time of interment? Nothing whatever caps the climax of such a notion of identity but the notion entertained on the part of the prosecution as to "rigor mortis!" But, moreover, if in addition to all these facts, the Court takes into consideration that the remains of the dead bodies themselves give no clue to identification, and that Mr. Watson and others are worthy of belief, in stating that no such persons were to be seen at all, dead or alive, on that Sunday morning, can the Court not well come to the belief, that the question which it put to, and the answer it received from, M'Dermott furnish abundant ground for reasonable doubt as to the identity of the men, of their being alive or dead now? The legal presumption is of the strongest possible nature in favour of the existence and duration of life, even in some cases for seven years, and upwards, too. The annals of crime have furnished instances far more passing strange than even the records of this trial. And the Court would not be astonished to find that professional men can tell of a reported case (amongst other marvellous instances in which innocent men have been made the victim of circumstances), in which an uncle, by making use of angry expressions on beating his niece, was put on his trial for her murder, and subsequently tried; and partly by acting strangely on his defence, was convicted and executed in England. The niece, who had fled from his roof, could not be produced before he paid the penalty of the law; but yet she was afterwards discovered alive, when he had been deemed a murderer and was dead.

In regard to the medical testimony, I crave the patience of the Court for some necessary comments most material for my defence. As to the statement of Assistant Surgeon Kerr, on his being recalled by the Court, about the small bone, No. 1, corresponding with

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the anterior superior spinous process of the ilium, I would remark that in the three bodies the anterior superior spinous processes of the ilium of each body will, as I am informed, be found on examination of them (and especially if Drs. Bowerbank and Anderson had been recalled on the point by the Court) perfectly complete in themselves. I would also observe, as to the same bone, No. 1, that the same medical gentleman could have satisfactorily explained the similarity of the edges of the pelvis, pointed out by Dr. Kerr, and produced on his recall by the Court. The Court, perhaps, itself may entertain some doubt about the similarity, when it remembers the different colouring of the pelvis and of the bone, No. 1; the more so that Dr. Kerr himself doubted whether the bone, No. 1, did belong to any particular pelvis; the Court may possibly see that the pelvis produced is not wholly fitted by piece, No 1, but is in itself perfect, if allowance is made for worn edges.

It might certainly strike the colleges of physicians and surgeons as singular to call "adipocire" "brainy matter," merely to avoid the use of technical terms, or to account for the discolouration of bone, deeply and darkly discoloured, merely by "handling."

The Court, it is humbly suggested, will not thus have failed to see the great danger, and possibly injustice, of permitting evidence in rebutter on the part of the prosecution only, as so only it can be, after the case for prosecution and defence have been closed, without the power of calling witnesses in answer to those called in rebutter for the prosecution.

Upon certain principal points five gentlemen (not to mention Dr. Morris), judging from their skill and past experience, as well as former and recent actual experiment, and having their conclusions confirmed by some of the eminent writers on medical jurisprudence, and on gun-shot wounds, have generally agreed in regard of these bones. They state, on the whole—

First. That the bones produced must have been in the ground for much longer period than 11 months and four days, the time of the alleged interment of the bones, said to be bones of men killed on the 21st and buried on the 22nd October 1865, and exhumed on the 26th September 1866.

Second. That some of the bones have been longer interred than others.

Third. That some of the bones put forward for the same body are evidently older, and longer interred than the rest for that same body.

Fourth. That some of the bones produced for one body do not fit that body.

Fifth. That agreeably with the testimony given by Dr. Kerr, in relation to the state of the bodies and otherwise at the time of exhumation, on the 26th September 1866, they, on the 31st October 1866, found no perceptible clothing or hair, except a small quantity adhering to the bones; no flesh, no ligaments, or even dust of ligaments, in the boxes, in which the bones were originally placed, and no offensive smell, even on test.

Sixth. That the injuries on the skulls may have been inflicted after death, and that similar wounds have been so produced.

Seventh. That the injuries on the skulls may have been produced by other means than bullets, or than by a conical ball.

Eighth. That the sharp edges on the holes must have been done less than 11 months ago.

Ninth. That considering the position of the wounds on the skulls, one of them may have, and the other probably has, been inflicted after death, and while the body was on the ground, or by a person standing right over the body; that the number of persons said to have been firing at only 11 or 12 paces on the same level could not have produced such a damaged and fractured state as the skulls present.

And, Tenthly. By the three who made by far the most minute and carefully-studied examination for days, that more than 140 bones are wanting for three bodies (from which evidence Dr. Kerr, when recalled by this Court, does not materially differ, if at all), and that there are also three bones for a fourth body.

It will not be forgotten that, in arriving at these conclusions, the medical gentlemen have made every allowance for absence of coffins, for soil, climate, depth of grave, and also all decomposition arising from whatever source, tested in every one of these respects by the exhumation of bodies in nearly similar soils, without coffins, and of almost similar duration of interment and character of climate.

The whole of the medical testimony, in its main points and in its bearing and force, has remained utterly unimpeached, if it is not indeed corroborated, by the sole medical witness for the prosecution, Assistant Surgeon Kerr.

It may be said that these are all mere opinions, but that would be positively incorrect on the whole.

Facts are spoken to by them both with regard to the graves, the exhumation, the subsequent examination, the decomposition, and the number of bones, their actual appearance, and their want of adaptation to each other; these matters, though sworn to by medical men, are yet as certain indubitably existing facts, as is the fact that this court martial

martial is now sitting in this room, and giving its earnest attention to my defence at this very moment. There are, it is true, some opinions, but let me ask whether upon the faith of two or three loose words published in a slip-shod style in a text book, as to the weight of opinions of skilled men; this Court is prepared to place little or no reliance on the testimony of Drs. Bowerbank, Street, Dunlop, Manners, and Dr. Anderson, and to some extent Dr. Kerr; interwoven with and fortified as all those opinions are by the intrinsic and extrinsic evidence of positive unmistakeable facts? I cannot presume, Mr. President (with all possible respect), that this Court is prepared to do what the Judges of Westminster Hall never yet I believe have done, namely, to slight if not ignore the medical opinions of men experienced in and out of this Colony. I feel assured that such testimony will be allowed to influence your decision upon a crime highly penal by statute law. To use the language of a writer on medical jurisprudence:

"It is by such testimony in courts of justice that fraud and violence are detected, unmerited infamy and death prevented; the widow and the orphan saved from ruin; virgin purity and innocence vindicated; conjugal harmony and happiness restored; unjust and oppressive demands obviated, and sources of public and private misery removed." Regard, I pray you most humbly, what takes place in the courts of assize in England, and the reliance there placed upon the testimony of medical men of great renown; and then I do but request of you that, with reference to the medical evidence before you, Mr. President, there should be placed as much reliance and credit as (and no greater than that which) it would receive had it been given before judges in courts of justice in England and in Europe.

Before I conclude my comments on the general testimony, I wish the Court to remember that if they entertain a reasonable doubt that these bones were in the ground for 11 months and four days only, then it must most necessarily conclude that these are not the bones of bodies killed by soldiers under my command on the 21st October 1865, and buried on the following day; and if there be a reasonable doubt that the bones are the bones of the bodies of the three men, the subject-matter of this prosecution, I would appeal (if not to the generous condemnation) to the dispassionate judgment of this tribunal, and ask most solemnly what opinion is to be formed of the reliability or credibility of the testimony of those who have had the temerity and audacity, or call it rash and reckless ignorance, to go to a common burial ground, and there pick out and swear to a particular spot as the grave in question for these three men, because they might have known or heard that some bones were going to be exhumed as evidence in this case, and also of the practice of burying three bodies together, and even sometimes more (as Dr. Bowerbank says during epidemics); or what does the Court think of those who, because they might have heard or known that other different persons were killed and buried there in a grave, have put in a second or a third body (not injured) to make up the number of three bodies; or yet of those who might have searched for an old grave with two or three bodies in it, and then because there was an old bastard cedar stump there to give a colouring, as of truthful identity to the spot, have sworn that it was the identical spot marked at the time of the supposed burial a year ago. Nay, what is worse, if the Court may suspect that it does reasonably appear that these two wounds were inflicted after death, and that all the bodies were not really buried on the same day; and yet in a criminal court judges and juries are bound by the laws which they administer, to presume everything against the prosecution, and against the guilt of the accused, everything in favour of his innocence; not only, too, must the evidence be found to be wholly consistent with guilt, but totally inconsistent with innocence.

Thus, I submit, have the principal points for the prosecution, viz., the shooting on the 21st, Corporal Hunter's conduct and presence on the 21st, and the exposure of the bodies till the 22nd, been most conclusively answered.

If, indeed, there can be any possible difficulty in the mind of the Court as to a finding in my favour, I would respectfully refer to the well-known doctrine of law that evidence of character is most valuable, where the probabilities of guilt on the one side, and the probabilities of innocence on the other, are nearly equal; and that in such case satisfactory evidence of general good character for humanity may have the effect of raising a well-founded presumption in the minds of the Court, that a man of such character could not have been the perpetrator of the crime of wanton violence imputed to him, and that in this sense it may be deemed evidence tending to the disproof of the charge or crime.

May I not, with pardonable pride, refer to the testimony of such witnesses as Mr. Harrison, Mr. Chisholm, Mr. Sinclair, Captain Astwood, and of my own superior officers, Captains Hole and Ross, and Lieutenant Ballantine.

Mr. President and gentlemen, I have not shrinked inquiry from every source. I have thanked you, and I still most deeply thank you for your indulgence; but I have claimed nothing to which I was not most conscientiously advised that I was strictly entitled to in the ordinary courts of justice in British tribunals. It may be that you think that I have called more witnesses than need be; I have only done so with the view that no one could honestly hereafter say, "Why was not this or that witness called?" The Court sees that I have done my utmost to obtain the evidence of the soldiers who went to Africa, but delay might have ruined my health, if not that of every member of the Court, two of whom have, I sincerely regret, already suffered.

The Court will doubtless bear in mind, that about the same period, the 21st October 1865, numerous bodies of the regular troops, volunteers, and Maroons, were all about the vicinity; nor will it forget the evidence given as to constant complaints of straggling of

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soldiers, and the difficulties of keeping the men under control; but God forbid that in calling your attention to this portion of the evidence, I should be deemed to be pointing to any one as having cruelly and wantonly committed the outrage charged; let me bear the stain, 'twill soon be wiped away. Gold plunged in the deep but comes up the brighter.

But nevertheless, if any of them had been accused of this charge, and if any of them were on their trial now, they might remind you that the whole common and statute law was suspended; that a state of warfare and anarchy existed: that the strongest minds of men, the most humane were unhinged by the fearful state of alarm and terror which prevailed wide-spread throughout the Colony, and that it was absolutely vital to do the best (though possibly the most ill-judged, cruel, and illegal that could be) for the sake of the public, and of the lives of the defenceless few loyal people from an overwhelming majority of rebellious subjects, and to use such extraordinary means as would be urgently necessary to quench the flame of savage, demoniacal plunder, butchery, and murder, and rebellion that revelled and swept through St. Thomas-in-the-East; they might tell you that during martial law, plundering was aiding and abetting rebellion; that rebellion was treason, and that treason was death. They might well point to men and women and children flying for life, almost naked, cold, and famished, to properties devastated, and to the blood of the best and the noblest of the land, all gashed, stark-naked, and dead; and to the terrible fate that women dreaded. They might tell you that some of them were young, inexperienced, without instructions for any emergency, and in a situation distant from assistance and advice, and that their numbers were as the few against the many; and that under them were men reckless, ferocious, disorderly, and uncontrollable; and that, therefore, under all that concentrated horror, overpowering feeling, mind, body, and action, they could not be condemned, because of mere illegality, or mere cruelty, such as exist in time of peace; and if a young inexperienced subaltern were amongst them, one sought to be made a victim to the passions of a populace, he might even tell this just and merciful tribunal that judging in time not of war, but of peace, it ought to be, as it wishes to be, dispassionate and considerate, and to realise if possible that state of terror and rebellion, and to bear in mind that such a charge, so penal in its condemnation to a living torture as this, of wantonly causing death, must receive a strict judicial construction under the statute, and must not be evidenced and judged by bare omission, or neglect of duty; but by some positive direction, command, or act expressed or implied (which this prosecution does not disclose), and he might ask what less worse, older officers would have done; and he might refer to the language of the great Lord Mansfield:

> "That in trying the legality of acts done by military officers in the exercise of their duty, particularly beyond the seas, where cases may occur without the possibility of application for proper advice, great latitude ought to be allowed, and they ought not to suffer for a slip of form, if their intention appears by the evidence to have been upright; and it is the same when complaints are brought against civil magistrates, such as justices of the peace, for acts done by them in the exercise of their civil duty, and that there the principal inquiry to be made by a court of justice is, how the heart stood, and if there appears nothing wrong there, great latitude will be allowed for misapprehension."

Again says his Lordship:

> "We enter into all the difficulties in the situation of an officer, whose honour and fortune may come to be so staked. In this particular case they have had their weight with us; the decision has not been a hasty one; but considerations of this nature cannot exclude the established jurisdiction of the country; on the contrary, these jurisdictions must be presumed to be equal to their functions; it must be presumed that they will do their duty honestly; if they do, no man can have much fear. To situations which require indulgence they will show it, but, be the risk more or less, all men hold their situations in this country upon the terms of submitting to have their conduct examined into, and measured by that standard which the law has established. Men of honour will do their duty and will abide the consequence."

For myself, the defence put forward by me is the same as that which my oath before the Royal Commissioners testified to at a time when I feared not this accusation, or this prosecution, but sincerely and honestly thought all that I had done was but my duty to the Queen.

May I not well contrast Colonel Daniell's position as prosecutor with mine as a prisoner? He has on his side the name of the Queen, the prestige of the Attorney General, and the aid of an old clerk of the peace; he has had all the means and opportunities of time, money, and influence, and of his own high rank. What weight may not all this have exercised upon the minds of the witnesses for the prosecution. On the other hand, I am but a young ensign, under arrest, without influence, scarcely able to defend myself, but for the generosity of some and the kindness and forbearance of others. I was, during martial law, in a position directly antagonistic to the feelings of the lower orders, and to some of these same witnesses; I am regarded by them as a man set up, even as though by the Queen herself, as a mark for their vindictive clamour and revenge.

For the honour of the service to which I belong I do not complain of this inquiry; but I do most bitterly complain of the character of the witnesses who have been arrayed against me on the part of the prosecution; and that Colonel Daniell, innocently, indeed,

(for

(for he knows, and can know but little of the lower orders of this Colony, particularly as regards circumstances during the rebellion) has been induced, if not compelled, to rely on them for the maintenance of this charge. I feel, however, satisfied that, if you, Mr. President and the honourable members of this Court, and he, could by any possibility, obtain an intimate acquaintance with the motive, true nature, and real value of such testimony, there would never be again put in peril, with your or their sanction, the character of any young officer or the honour of the service upon testimony so little trustworthy. Appendix (M).

Almost broken down with a fever of anxiety on this most terrible ordeal, I am buoyed up by a sense of the generous conduct of those who have so nobly come forward to befriend me, for the honour of the service, by the hopeful prospect of the fulfilment of a glorious object, the unsullied honour of our common profession, unsullied by me, and by the cheerful consolation that, when, as members of this Court, your momentous and painful duties under Her Most Gracious Majesty's Warrant shall have been discharged, you, Mr. President, with each Member of the Court, and Captain Maclean, and Colonel Daniell also, will heartily join with the rest of my comrades in congratulating me on a safe encounter against the perils to which this harrassing prosecution has but too painfully subjected me. Though but an ensign, I yet (somewhat in the words of Major General Sir Richard Airey on his trial before the board of officers at Chelsea) can say:

> "I also have learned what it is to be engaged, day by day, and week after week, in that bitterest of human duties, the duty of testifying one's own conduct. I have learned from the example of as able a soldier as ever commanded the British army in the field, that it is one of the duties of an officer in these modern times to bear injustice from many quarters with a long-enduring silence, and to regard all obloquy, and all unfounded blame, very much in the light of those more physical hardships which are the part of a soldier's lot. Therefore, Mr. President and honourable members, without dwelling on the hardships which may be thought to attach to my position, I solemnly commit my reputation as an officer and the fair name of every British soldier of Her Majesty's service, to the pure, fearless, and dispassionate judgment of this high military tribunal, and I do so with full confidence that the very words of Her Most gracious Majesty's Warrant will be fulfilled to the letter, and that, accordingly the truth will be made manifest, and justice done to all."

F. J. Cullen, Ensign,
1st West India Regiment.

(N.)

PRISONER'S OBJECTION to reception of REBUTTING EVIDENCE by PROSECUTION. Appendix (N).

CONSIDERING that the bones were produced on the part of the prosecution, with all injuries and marks, and appearances on them in the state in which they were at the time of exhumation and examination, as part of the evidence for the prosecution; considering too, that one medical witness has been already examined for the prosecution, as to the exhumation and the then state of the bodies, and also that other medical witnesses for the prosecution as to the exhumation of these dead bodies and the progress of decomposition (*see* Notice (A.) annexed) were notified to me, and were actually attending the Court before the prosecution closed, and that they were not then called; considering, also, that it is an inflexible rule that no fresh evidence whatever is allowed to be produced in rebutter, to make out or to support the case originally made out for the prosecution; except when an entirely new matter, not touched upon in the case for the prosecution, has been adduced for the defence, and that the evidence to be adduced is a negative of a negative, I respectfully object to the reception of any evidence which may now be attempted to be produced in rebutter. If the evidence is to be founded on examination as to the present state of the bones, that clearly is now no evidence; if upon the state of the bones at the time of exhumation, that ought to have been given in chief (as to a considerable extent it has). I object to any evidence whatever (the same having been withheld at first, when I might have answered it), being given now in rebutter, when it might have been given in chief, or in reply, or on a recall before the case for the prosecution was closed (such a course being contrary to rule and practice, and most unjust in its operation), and the prosecutor having pretermitted his opportunity, and now seeking to make a fresh or additional case, or a negative on a negative. I respectfully request my objections may be placed on the records of this Court before any such evidence is permitted, and I also request that this written statement may be taken as my objections to each and every question which may be put, if any such evidence now objected is received. I most respectfully submit to the Court, that it is bound by the ordinary rules of evidence which obtain in the common law tribunals at Westminster Hall, and that the main grounds of objection to the subsequent reception of evidence are, 1st, the manifest injustice to a prisoner, and 2nd, the obvious opportunity for perversion of facts.

I do sincerely trust, that in these observations I have not used one word which I ought not properly to use in urging these objections.

I particularly object to evidence in rebutter being given after my defence put in, the whole of the testimony mentioned in the document produced, might, and ought to have been given in chief before the case for the prosecution was closed.

(signed) *F. J. Cullen*, Ensign,
1st West India Regiment.

Appendix (N).

(A.)

NAMES of two additional witnesses this day furnished to me for prosecution; case of Ensign Cullen, 1st West India Regiment, being tried by general court martial.

A. Fiddes, Esq., M.D.
J. Scott, Esq., M.D.,
of Kingston.
} To prove examination of three dead bodies, and give evidence as to progress of decomposition, &c.

(signed) *H. J. Maclean*, Captain,
Deputy Judge Advocate.

To Ensign Cullen,
1st West India Regiment.

(O.)

PROSECUTOR'S REPLY.

Appendix (O).

Mr. President and Gentlemen,

UP to a comparatively recent stage of this protracted investigation, I had indulged the hope of being able to suggest some hypothesis upon which the most material of apparently conflicting statements in evidence might be reconciled.

On Monday the 19th of November, however, this expectation was entirely dissipated, inasmuch as then, for the first time, did the defendant produce witnesses who professed to have actually on the 22nd of October in last year ridden past the bamboo draw rail, to which the three missing men were alleged by the witnesses for the prosecution to have been tied, and then shot. Here, therefore, arose an irreconcileable conflict of testimony, which could only be determined by the greater amount of credible testimony on the one side or the other. Until the production of this evidence on the part of the defence, no indication had been given that such a line of defence would be adopted. Eight persons who had given their services both for the burial and the exhumation of the dead bodies, the subject of this inquiry, had been examined on behalf of the prosecution, and no one question had been asked of them (the persons surely most capable of answering the question), whether or not they had seen volunteers or other troops pass the bamboo draw rail whilst they were engaged in interring the bodies; this of course was a right which the prisoner was fully entitled to assert, and I only regret that it may entail upon me the duty and necessity of occupying the time of the Court at greater length than I could have wished to do. I trust, however, that I shall not obtrude upon you comments on matters of comparatively trivial detail, or on discrepancies which may obviously have been the result of either inadvertence or ignorance of the witnesses on either side. I shall shortly, therefore, recapitulate what appears to me to have been the *primâ facie* effect of the case for the prosecution before the defence was opened, and thereafter consider what ought to be the weight of that defence towards counterbalancing the original case made against the prisoner.

On the 21st of October in last year it is alleged, and must be taken before answered to be truly alleged, that four men were arrested at Duckenfield Estate, charged with the larceny of rum and nails, and this during the prevalence of martial law in that district. These prisoners were forwarded to the Iron Bridge, over the Plantain Garden River, under the custody of three witnesses, and with the ostensible and avowed object of obtaining a summary infliction of corporal punishment, for an offence which by one at least of the four had been confessed. A detachment of the 1st West India Regiment had arrived that morning at the Iron Bridge, and of that detachment the prisoner held the command. Before reaching their destination one of the prisoners when actually within sight of the military, effected his escape, and he has proven that the remaining three unquestionably got as far as he did on the journey to the bridge. The arrival there seems to have occurred about midday; the cause of complaint was communicated to the officer in command, and the request preferred that flogging might be inflicted; this appears at first to have met the approval of the commanding officer, but apparently by some extraneous influence, which it is not now necessary to allude to, a more serious punishment was directed or acquiesced in by that officer.

The result is charged to have been death to the three prisoners with the knowledge and without any intervention by the responsible officer to prevent the infliction of that capital punishment. Conflict of evidence as to the manner of carrying into execution so serious and solemn punishment might naturally be expected, but the defence in this case founds itself upon the utter negation of the facts of either delivery to the military authorities of these three prisoners or of any such punishment having been inflicted. Under such circumstances no direct evidence in defence is possible than either by proving the absence from duty on leave, and of consequent irresponsibility in the commanding officer, or the direct proof that the witnesses who have deposed to the alleged facts were by absence or otherwise never personally cognisant of them. This latter alternative the prisoner has elected and virtually undertakes either to demonstrate the merely visionary foundation of this prosecution, or at least to show that the witnesses who have supported it are totally unworthy of credit. The first step towards this attack was the attempt to undermine the credit for truthfulness of the witnesses for the prosecution by vague charges possibly intended,

intended, though certainly not with much prospect of success, to produce the effect of proof by specific instances, not that the witnesses had incurred local or sectarian odium, but had become untrustworthy from frequent or habitual falsification. The failure of this attempt has been, however, so transparently manifest, that it requires no further allusion to it. It was then attempted to extract from the supposed utterances of the witnesses at various times contradictions, on the face of them, which it would be impossible to harmonize. In most instances of this kind, too, I shall be content with the judgment of the Court. On the evidence as it now stands, without myself making any comment, there are, however, one or two such objections which at first sight have the resemblance of validity. Thus, the witness Samuel Bryan states, in substance, that the three men were tied to the fence, their back to the road, whilst another witness for the prosecution as confidently states that their back was to the grass-piece, their front to the road. There is, however, here no conflict of statement, because, as was shown by more than one witness, the death-stiffening, which would probably continue for at least some hours, even under exposure to a tropical climate and atmosphere, would have relaxed after the lapse of probably more than 12 or 15 hours, and throw the body with that proneness to the earth which was illustrated by witnesses who had seen the bodies on the 22nd.

Again, Abraham George Donaldson admits that he stated before the Royal Commissioners that he did not know how many graves the bodies were buried in, yet still he asserts that all the bodies came out (upon exhumation) of one grave; this is plainly self-consistent, since the witness was present at the grave when the bodies were dug up, but spoke of the burial as judging from a considerable distance. To refer shortly to the circumstantial evidence which the prisoner relies on to support his theory of the utter unworthiness of credit in the witnesses for the prosecution, what consistency is there in the evidence given to induce the belief that no bodies were buried on the Sunday any more than that bodies were shot on the day preceding? It is at least problematical, judging from the testimony of Mr. Lofthouse, whether he and his comrades ever were on the Holland Bay-road; but grant it, and see the account which five different witnesses for the defence give of the most cardinal point in this part of the controversy. Mr. Lofthouse says they went about 100 yards on that road; Mr. Watson says he went 250 to 300 yards; Lieutenant Brass 25 to 30 yards; and the remaining three, namely, Corporal Bedford and Privates Barnes and Cox concur in fixing the distance at 200 or 300 yards. Between these three latter, however, there are further differences—Corporal Bedford swears that he and his two comrades left the Post Office before the rest of the force. Private Barnes, one of the comrades, positively swears that the whole detachment passed them at the Post Office before they had changed the saddle (" at their right hand side, at the Post Office"), two or three minutes before they both started; that they galloped 200 or 300 yards past the bridge; and Barnes, that they then "turned back" and galloped over the bridge to the remainder of the force. Mr. Watson rode on the right of the leading file, Mr. Lofthouse on the right of the second, and Lieutenant Brass on the left of the second file; two troopers were in advance, Berry and Brandon. If then the statement of Private Barnes be correct, that himself and his two comrades galloped from the Post Office two or three minutes after the detachment had passed them there, and continued that gallop for 200 or 300 yards down the Holland Bay-road, it is impossible that they should not have either passed Lieutenant Brass and his three files on that road, or met them when these files were returning. So, again, if Bedford's statement be true, and the racers started on their gallop of 200 or 300 yards and back, finding on their return that the whole column had in the interval during the race passed beyond the bridge some considerable distance (Cox says 500 to 600 yards) on the Amity Hall-road, it is equally inconceivable that they should not have met or overtaken Mr. Brass, and the men under his charge, whether these had marched on the Holland Bay-road 30 yards or 300 yards, and having so met, passed or overtaken Brass's party on the road leading to Holland Bay; it approaches a moral impossibility that such a piece of corroborative evidence, were it true, should not have been prominently brought before the Court in the testimony of Mr. Brass, Mr. Watson, and Mr. Lofthouse. Another witness for the defence, Corporal Hunter, by a daring denial of the evidence of more than half a score of witnesses, has almost succeeded in bringing a merely collateral point into as great prominence as the prosecution against his officer. Irreconcileably conflicting as is the evidence of himself, and some of his comrades in the question of the mode and time of his passing on the Saturday from the Iron Bridge to Golden Grove Estate, it is yet clear, from irrefragable testimony, that his statement of arriving at that property by nine o'clock in the morning, and as the clock was striking, and that he there found troops from Kingston, is utterly incompatible with even the semblance of truth.

The prisoner, in the course of the long address which he has read to the Court, has assumed many circumstances not in evidence, and argued upon them as if they were established facts; in no instance, perhaps, has he more forcibly done so than in his endeavour to make the Court believe that these three bodies are those of persons who died of cholera, and that the ground from which they were taken is an old cholera burial ground. The people of the country can thankfully and truthfully say that epidemic cholera has not prevailed in Jamaica since the year 1854. Can the Court be induced to think that the bones now in the engine-room of these barracks have been buried for 12 years, or is there one iota of evidence to prove that the ground from which they were taken was a cholera burial ground, unless, indeed, any weight is to be attached to the testimony of

Appendix (O).

Dr. Manners on this point. The proposition to be deduced from some of the medical opinions for the defence, that the skeletons are, in one instance at least, but spurious substitutes for the skeletons of Walton, Miles, and M'Call, necessarily implies that those who it is insinuated placed the bones there, in anticipation of this inquiry, were not only wicked, but ingenious in their vice beyond the measure which can be ascribed to any one of the witnesses examined for the prosecution; for as it is said that some of the bones of one skeleton are of older bodies, or an older body than the other bones of that same skeleton, the wicked person who picked them out, and from different graves, must have been possessed of sufficient surgical or anatomical skill to select the proper number to make up a skeleton, which, as Dr. Kerr (and even the medical evidence for the defence) says are perfect, except the small bones, which may be presumed to have become lost in the grave earth, and the supposed difference of age in the bones.

Permit me a few words on the general character of the entire case as it now stands; who are the witnesses to support the prosecution? In most instances, labourers in the employ of some of the chief witnesses for the defence; one of them, Bryan, a book-keeper, who, in reply to a very significant question, stated "that he was still in the employ of Mr. Sinclair." What is the substance of their testimony? "That which their eyes have seen, and their hands have handled;" or is not the story they tell at least consistent with itself? Has it not also corroboration by unquestionable fact? How did these three bodies come to that grave, laid in that extraordinary position at the stump of the cedar tree? Mr. Chisholm invokes the possibility of their having been buried there 16 years ago, in a part of the 10 miles from Holland Bay to Bath, along which he says persons who died of cholera were interred. All things are possible that are conceivable, but it will scarcely be contended that so shadowy a possibility ought to countervail the sworn evidence of eye-witnesses to the fact of the burial of three men by them, in the very grave from which the same witnesses exhumed, 11 months afterwards, three male skeletons, and found none others there. If, however, it should be suggested that those two nondescript fragments of bone (call them coracoids, or condyles, or acromia), which so recently and so mysteriously found their way into the engine-room at Kingston barracks, are deemed portions of a fourth skeleton, the joint occupant of the common grave, why are not the larger bones produced? What again became of Walton, Miles, and M'Call? How is it that not one of them has been seen alive since the 21st of October of last year; further, what motive has been suggested that could, by human possibility, have induced the numerous witnesses for the prosecution to conspire and give testimony which must imperil at least the worldly welfare of the prisoner, whom most of them had never seen before the 21st of October of last year, and many of them never again till they saw him before this Court? To me, it seems that in the absence of all sufficing temptation to commit wilful perjury, the testimony of these witnesses for the prosecution, if it be not true, is devilish. On the contrary, it appears to me that the consistently and resolutely abstaining from filling up what might seem a gap in the case against the prisoner, I mean the absence of any evidence showing that he ever commanded the destruction of these three men's lives, proves most conclusively the integrity and truthfulness of the evidence which they really have given. An unscrupulous and avaricious or vindictive spirit would be incapable of such reverence to truth as this feature, which is almost universally prevalent in the evidence for the prosecution.

Contrast both the nature of the evidence for the defence, the position of most of the military witnesses in relation to the accused, the unquestionable contradictions on material points, which that evidence plainly exhibits, and then let the Court say whether or not it is satisfied that all the witnesses for the prosecution who swear to the killing of the three men whose death it has been inquiring into, are satisfactorily shown either to have committed deliberate and persistent perjury, without any appreciable motive, or, at least, that it has been shown that they are utterly unworthy of being believed on their oaths. One word with regard to the medical testimony. No one can ever speak or think lightly of the professors of the healing art, but such anatomical questions as have incidentally arisen during the progress of this inquiry, present very different aspects under equally different circumstances; and it is no disparagement to the scientific attainments of any osteologist or anatomist to say that the subject-matter on which he may have experimented, or from which he may have deduced conclusions should also be submitted and subjected to the impartial judgment of intelligent men, who, though professing no skill in a specified art or science, do happen to have become aware of circumstances which may possibly affect the validity of conclusions arrived at by one who has not the special knowledge of circumstances, such as prior known condition and the duration of exposure to external influences. I would call therefore your especial attention to the evidence given by Dr. Kerr on his recall by yourselves. I have said that, if the testimony of the witnesses for the prosecution be not true, it is devilish. I desire to present this consideration to the Court in another and different aspect. Admitting for a moment that the evil mind was, and is, in all these alleged conspirators, is it possible, for any indifferent and sensible man, who has seen and heard them, to believe that they have the capacity, and could have made the opportunities, without observation and detection, of constructing the plot and going through the necessary rehearsals of so deep a tragedy in which different classes of witnesses are made to assume and perform wholly different characters; take, for example, that African witness, William Bartley; can any man believe that so ignorant an individual would have been selected to take a part in the play, and, if he were, that he could have so learnt and acted it as to give his evidence in the manner he did; and it must be borne in mind that, if the

theory.

theory of the defence be accepted, then that man, together with the other seven or eight, who deposed to the fact of having buried and exhumed the bodies, must have been employed to, or must, for some hidden motive which the most acute and critical intellect would fail to discern or bring to light, have voluntarily searched out three human skeletons, have removed them from their respective resting places, and laid them in that false grave to carry out and complete this drama; for the Court must remember Dr. Bowerbank's opinion, that "the skeleton to which the skull marked No 2 belongs has been buried longer than the others, and I do not think the decomposition of the soft parts of the skeleton marked No. 3 especially took place in that grave;" or if the prisoner prefers to rely on the hypothesis of Mr. Chisholm, then these witnesses must have been possessed of some miraculous power of divination to know promptly, and almost at a moment's call, where to go and strike the ground and find three cholera skeletons, not male and female, but three males, laid in a peculiar position in one grave. Again, if these bones were picked out of other graves, and placed in that from which they were dug up by wicked and skilful people to serve a purpose, when was it done? The least reflection will show the Court that on both the occasions when it must have been done (if it was done), there was scarcely time for thought, certainly not time for action, so extensive as is implied. The shameful fraud could not have been practiced to make out a case for the Royal Commissioners, for their progress in the duties with which they were charged was far too prompt from their arrival to their departure, and there was considerably too much activity and vigilance in the whole Rebellion district all the while they were in Jamaica to have permitted the maturing and working out of the plan; it could not have been done before they came, for no human being in Jamaica anticipated their coming. Could it, then, have been practiced in view of the advent to Jamaica of this Court, and of the carrying out of this prosecution; what person of any reputation will venture to say that he expected these proceedings, and have I, or has the Court been so dilatory in the discharge of our respective duties as to admit of this wicked plot being conceived and carried into effect between our arrival and the exhumation of bodies and examination of the witnesses. A few words about that much-abused man, George Grant Manning: what has he done to deserve the calumny with which it has been attempted to tarnish his name; is it that in giving his evidence before this Court he has betrayed any feeling of malice or revenge, or anger; is it that he has contradicted himself in any way, or been contradicted by any one; I make but small comment on the unsuccessful attempt to do so by Mr. Lewis's evidence of conversations with the man; he, Mr. Lewis, showing most indisputably that he did not, by his demeanour and language, encourage Mr. Manning to an open and full disclosure of all he knew. Is it that his story is told by himself alone, and that he is not supported in any way? Is it that the Court is satisfied that he promoted the original disclosures which prompted this more detailed and important inquest? Is it that any man has dared to impute to him the charge of an immoral or corrupt life, or that his conversation has been shown to be impure? No; it is that here, in this nineteenth century, and within the dominions over which British and Christian enlightenment spreads its influence, the worship of God is sneered at and invoked as a reason why a man is to be mistrusted and disbelieved.

If we are to hear the conclusion of the whole matter, let us ask the question; did these three men, M'Call, Walton, and Miles die the common death of all men? The prisoner says they are not dead; he accounts for their non-appearance by the statement that, in fear of punishment for the larceny of the rum and nails, they have gone into other and distant parts of the colony; why then is that man, so providentially taken, as it were, out of the gate of death here, as if, and it is not irreverence to say he was preserved by the Almighty to aid in bringing the truth to light. What says Richard Francis, the beautiful and impressive language of the Psalmist, "So when they cried unto the Lord in their trouble he delivered them out of their distress, for he brought them out of darkness and the shadow of death and brake their bonds in sunder," is traced in the simple and unadorned words of an uneducated field labourer, "I called to God and God let me go; it was God that let me go. God loosed the tie." Is that a lie? Does the coincidence of language not bring conviction home to you that these words came straight away from the very depths of a heart that had felt the mercy of which he spoke?

If, then, one word of the narrative which commences at Peter Phillips' yard on the Duckenfield Estate, and terminates at the grave where the bodies were exhumed be true, the whole must be true; the prisoner himself has elected so to put the case; his defence denies every word of the story from first to last, from beginning to end. If Francis spoke the truth, the prosecution have brought the three men from the Duckenfield Estate in charge of constables to a place to within sight of their executioners; they cannot be left there —they are not there now—the prosecution has accounted for them; if that account be untrue, what other does the prisoner who impeaches it give? None; none whatever. There is no mother or sister, no wife or child called by the prisoner, to depose to the performance of the last sad offices at the death bed of either of these men, no friend to establish the burial of any of them in other place than the Duckenfield grass-piece. One there is, however, called by the prosecution to testify to the fact of three or four young children left orphans; and yet another to speak of the impulse by which he was prompted to go and look in the early day for his shipmate and countryman, and having seen his lifeless body tied to the bamboo draw rail at the Duckenfield grass piece, to return and assist in committing it to the earth at that place. Fearful, indeed, is the original transgression, but more fearful still the means which have been used to conceal the truth from human eyes.

Appendix (O).

Great and serious, beyond doubt, is the responsibility upon those whose duty it is to clear away the impediments and difficulties which beset the path to the truth of this sad transaction, but viewing it by the light in which it presents itself to my mind, I cannot for a moment hesitate to think that that responsibility will be fearlessly and intelligently met and discharged. Attentive and patient, impartial, and considerate as the Court and its officers have been throughout this very lengthy inquiry, I am confident that none of these attributes will relax in the remaining portion of the duty committed to the Court by our most gracious Sovereign; yet I know that the peculiar virtue of that Sovereign and the characteristic of the institutions under which the English people live, is the just and merciful administration of the law. Stern, however, as are the requirements of justice, if there be room to admit of a reasonable doubt about this matter, not only the recognised principles of its administration permit, but my own personal wish, I would almost say delight will be, that the prisoner have the benefit of it; but, on the other hand, painful as the duty must be, not only in view of the immediate results of this inquiry, but of other considerations arising out of preliminary investigations, it must be discharged; and I feel that it will faithfully be, by a calm, deliberate, and thoughtful view of all the evidence taken.

If the case be decided according to the facts deposed to, and not according to the opinions expressed or inferences drawn (however conscientious those may be who express and draw them), if allowance be made for the possible mistake of two or three witnesses (albeit their respectability be admitted and their truthfulness not disputed, albeit they speak with unusual confidence), if the material difference in the value of positive evidence be balanced against negative evidence, then I know and feel that mercy, the brightest side of justice, will not be tarnished if this prisoner be found guilty, then I know and feel that without immolating victims at the shrine of popular clamour, the honour and character for humanity of the British army will be vindicated.

(signed) *C. F. T. Daniell,*
Lieutenant-Colonel 28th Regiment, Prosecutor.

Kingston, Jamaica, 3 December 1866.

(P.)

Appendix (P).

PRISONER'S REJOINDER.

WITH leave of the Court, in respect of the evidence adduced in rebutter, I would observe that Drs. Fiddes and Scott made their examination of the three bones (No. 1 particularly) only a day or two ago; while the other medical gentlemen gave their testimony upon the appearances and colour of the bones as on the 31st October.

If the Court will compare the edges, the colour, the apparent age, and texture of the bone, No. 1, with those of the ilium, which it is said to fit, and also look at the fracture and splitting evidently recently made on the part of the ilium, the Court may itself entertain grave doubts whether the evidence in rebutter as to No. 1, is so perfectly satisfactory.

As to the bones, Nos. 2 and 3, I claim the evidence of Drs. Fiddes and Scott, as being absolutely confirmatory of the medical testimony in defence.

(signed) *F. J. Cullen,*
Ensign 1st West India Regiment.

(Q.)

Appendix (Q).

FIRMLY persuaded, however, that the Court will deal justly with the evidence brought forward in rebutter, and (with the permission of the Court I will state) also with the points contained in my address, as well as with the supposed answers which have been put forward on the part of the prosecution, I respectfully decline to take up any more of its valuable time. My own honour, and the credit of the service, and the ends of justice, can be implicitly reposed in you, Mr. President, and in you, most honourable members.

(signed) *F. J. Cullen,*
Ensign 1st West India Regiment.

PROCEEDINGS of a GENERAL COURT MARTIAL, held at Kingston, Jamaica, for the Trial of Staff Assistant Surgeon *Henry Morris*.

LIST OF WITNESSES FOR THE PROSECUTION,

Showing their Colour, and the Number of Questions respectively asked.

		Questions	Page
1. John Hamilton (A)	black	2 to 50	136
2. John Steel	black	51 „ 75	137
3. Elizabeth Curate	black	76 „ 98	138
4. John Curate	black	99 „ 134	139
5. William Burke	coloured	135 „ 182	140
6. Ellen Gray	black	183 „ 226	142
7. Robert Deacon	black	227 „ 262	143
8. Stephen Grant	black	263 „ 305	145
9. Richard Cane	black	306 „ 326	146
10. Peter Phillips	black	327 „ 355	147
11. Cyphus Wills	black	356 „ 381	148
12. George Colson	black	382 „ 399	149
13. Robert Speed	black	400 „ 433	150
14. Richard Francis	black	434 „ 455	152
15. Samuel Bryan	coloured	456 „ 535	152
„ recalled		606	
16. Captain Hole, 2nd Battalion 6th Regiment	white	536 „ 546	156
17. Cecilia Robinson	black	547 „ 605	156
18. Abraham George Donaldson	black	607 „ 689	158
19. Thomas Clarke	black	690 „ 717	161
20. Alfred Brooks	white	718 „ 780	162
„ recalled		2569 „ 2573	246
21. John Duaney	coloured	781 „ 813	165
22. John Anderson	coloured	814 „ 856	167
23. Eliza Phillips	black	857 „ 891	169
24. John Hamilton (B)	black	892 „ 938	170
25. George Grant Manning	coloured	939 „ 1009	172
26. Bevis Hunter	coloured	1010 „ 1046	176
27. Thomas Wedderburn	black	1047 „ 1076	177
28. Harriet Warren	black	1077 „ 1101	178
29. Zachariah Bayley	black	1102 „ 1129	179
30. Thomas Brown	black	1130 „ 1162	180
31. William Bartley	black	1163 „ 1179	181
32. Assistant Surgeon Kerr, 2nd Battalion, 6th Regiment	white	1180 „ 1240	182
33. Dr. Fiddes	white	1241 „ 1274	185
34. Richard Taylor	black	1275 „ 1301	187
35. Dr. Scott	coloured	1302 „ 1332	188
36. H. Clarke, R. E. Department	white	1333 „ 1343	191
37. Richard Roden Francis	coloured	1344 „ 1359	191
38. James Sproul	coloured	1360 „ 1373	192
39. Allen Bignall	black	1374 „ 1388	192

LIST OF WITNESSES FOR THE DEFENCE,

Showing their Colour, and the Number of Questions respectively asked.

1. Francis Thompson	coloured	1389 to 1421	193
2. John Mais	white	1422 „ 1449	195
3. James Cruickshanks	coloured	1450 „ 1463	196
4. Alexander Low	white	1464 „ 1492	197
5. Robert John Stuart	white	1493 „ 1537	198
6. Alfred Alvarenga	coloured	1538 „ 1557	200
7. David Ford	coloured	1558 „ 1586	200
8. Michael C. Myers	white	1587 „ 1607	202
9. Captain Hole, 2nd Battalion, 6th Regiment	white	1608 „ 1622	202
10. John Sinclair	white	1623 „ 1661	204
11. John Lewis Dight	white	1662 „ 1665	206

		Questions.	Page
12.	Romeo W. Drysdale, Police Serjeant - - - - - black -	1666 to 1680	206
13.	Richard Moyle Wilson - - - - - - - - coloured	1681 „ 1702	207
14.	James Austen Fowles - - - - - - - - white -	1703 „ 1712	207
15.	Corporal Hunter, 1st West India Regiment - - - black -	1713 „ 1799	208
16.	Ensign Cullen, 1st West India Regiment - - - white -	1800 „ 1893	211
17.	James Harrison - - - - - - - - - white -	1894 „ 1937	215
18.	Alexander Chisholm - - - - - - - - white -	1938 „ 1984	217
19.	John Robson Watson - - - - - - - - white -	1985 „ 2020	219
20.	Frank McDermott - - - - - - - - white -	2021 „ 2033	221
21.	Sutton Scoltock - - - - - - - - - white -	2034 „ 2048	222
22.	Charles Henry McDermott - - - - - - - white -	2049 „ 2067	222
23.	Corporal Maddix, 1st West India Regiment - - - white -	2068 „ 2095	223
24.	William George Astwood - - - - - - - white -	2096 „ 2154	224
25.	John Henry Davis - - - - - - - - white -	2155 „ 2160	227
26.	Private John Edge, 2nd Battalion 6th Regiment - - white -	2161 „ 2170	228
27.	Lance-Corporal John Handley, 2nd Battalion 6th Regiment white -	2171 „ 2184	228
28.	Serjeant Lewis O'Connor, 1st West India Regiment - black -	2185 „ 2212	229
29.	Private John Doolan, 2nd Battalion, 6th Regiment - - white -	2213 „ 2232	230
30.	Robert Scott Brass - - - - - - - - white -	2233 „ 2248	231
31.	Private Thomas Gardner, 2nd Battalion, 6th Regiment - white -	2249 „ 2265	231
32.	Private Wolstenholm, 2nd Battalion, 6th Regiment - white -	2266 „ 2294	232
33.	James Alexander Wilson - - - - - - - white -	2295 „ 2319	233
34.	William Moore James - - - - - - - - white -	2320 „ 2324	234
35.	Francis Thomas McFarlane - - - - - - - white -	2325 „ 2333	234
36.	Alfred George Berry - - - - - - - - coloured	2334 „ 2354	235
37.	Private Morris Gordon, 1st West India Regiment - - black -	2355 „ 2369	236
38.	Private John Roch, 2nd Battalion, 6th Regiment - - white -	2370 „ 2377	236
39.	Private Joseph Bedford, 2nd Battalion, 6th Regiment - white -	2378 „ 2396	236
40.	Private John Allen, 2nd Battalion, 6th Regiment - - white -	2397 „ 2403	237
41.	Private J. Cox, 2nd Battalion, 6th Regiment - - - white -	2404 „ 2430	237
42.	Private Blythe, 1st West India Regiment - - - coloured	2431 „ 2457	238
43.	Private Leslie, 1st West India Regiment - - - coloured	2458 „ 2476	239
44.	Colour-Serjeant Webster, 2nd Battalion, 6th Regiment - white -	2477 „ 2487	241
45.	Dr. Manners - - - - - - - - - white -	2488 „ 2502	241
46.	Dr. Anderson - - - - - - - - - white -	2503 „ 2535	242
47.	Hon. Dr. Bowerbank - - - - - - - - white -	2536 „ 2568	244

APPENDIX.

LIST OF DOCUMENTS ATTACHED TO THE PROCEEDINGS.

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4.	Handwriting of Stephen Grant (Prisoner) - - - - -	„	(D.)	261
5.	Sick Report (Assistant Surgeon Morris) - - - - - -	„	(E.)	261
6.	Medical Report (Assistant Surgeon Morris) - - - - -	„	(F.)	261
7.	Medical Report (Assistant Surgeon Morris) - - - - -	„	(G.)	261
8.	Opening Address (Prisoner's Defence) - - - - - -	„	(H.)	262
9.	Memoranda respecting distances at Iron Bridge and Grange Hill (Prisoner) - - - - - - - - - - - - - -	„	(I.)	263
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12.	Prisoner's Closing Address - - - - - - - - -	„	(M.)	264
13.	Prosecutor's Reply - - - - - - - - - - - -	„	(N.)	283

PROCEEDINGS of a GENERAL COURT MARTIAL, held at Kingston, Jamaica, for the Trial of Staff Assistant Surgeon *Henry Morris*. Court Assembled 11th December 1866. Trial terminated 2nd February 1867.

PROCEEDINGS of a GENERAL COURT MARTIAL, held at Kingston Barracks, Jamaica, on the 11th December 1866, in pursuance of an Order of Major General *O'Connor*, C. B., Commanding Her Majesty's Forces in Jamaica and its Dependencies, dated the 10th December 1866.

President:

Colonel FARREN, C. B., Depôt Battalion.

Members:

1. Major Williamson - -	48th Regiment.	5. Captain Barstow - -	89th Regiment.
2. Brevet Major Campbell	71st „	6. Captain Oliver - - -	66th „
3. Captain Walters - -	44th „	7. Captain Ready - - -	66th „
4. Captain Day - - - -	28th „		

Captain MACLEAN, Rifle Brigade, Deputy Judge Advocate.

FIRST DAY, 11th December 1866.

AT 11 A.M., the Court Opens.

Staff Assistant Surgeon HENRY MORRIS, appears a Prisoner before the Court.

THE order for the assembly of the court martial, and the warrants appointing the President and Deputy Judge Advocate, are read. 11 Dec. 1866.

The names of the President and Members are read over in the hearing of the prisoner, and they severally answer to their names.

1. *Question to Prisoner.*] Do you object to being tried by the President, or by any of the officers whose names you have heard read over? —*Answer.* I do not.

The President, Members, and Deputy Judge Advocate, are duly sworn.

The Court proceeds to the trial of Staff Assistant Surgeon Henry Morris, on the following

CHARGES.

1*st Charge.*—For scandalous conduct, unbecoming the character of an officer and a gentleman, in having on the 18th October 1865, in the County of Surrey, in the Island of Jamaica, during the continuance of martial law, and in a district over which martial law then prevailed, which had been proclaimed there for the purpose of suppressing an insurrection, and for the preservation of the public peace in the island, cruelly, wantonly, and wrongfully shot to death, a man called *William Gray*, the said act not being done by him, the said Staff Assistant Surgeon Morris, in good faith, for the purpose of suppressing the said insurrection, or for the preservation of the public peace in the said island.

2*nd Charge.*—For scandalous conduct, unbecoming the character of an officer and a gentleman, in having on the 21st October 1865, in the County of Surrey, in the Island of Jamaica, during the continuance of martial law, and in a district over which martial law then prevailed, which had been proclaimed there for the purpose of suppressing an insurrection, and for the preservation of the public peace in the said island, cruelly, wantonly, and wrongfully caused three men, severally named Richard Walton, Tommy Miles, alias Tom Bell, and John McCall, alias George McQuarry McCall, to be shot to death; the said act not being done by him, the said Staff Assistant Surgeon Morris, in good faith, for the purpose of suppressing the said insurrection, or for the preservation of the public peace in the said island.

PLEA.

To which charges the prisoner pleads, "Not guilty."

PROSECUTION.

Lieutenant Colonel Daniell, 28th Regiment, appears

11 Dec. 1866.

appears as prosecutor, and, with the Court's permission, read an address, which is marked (A), signed by the President, and attached to the proceedings.

The prisoner, with a view to save the time of the Court, states that he is willing to admit, without calling for proof by evidence, that martial law did prevail at the times and places mentioned in the charges, and that the Act of Indemnity (a copy of which is handed in by the prosecutor, marked (B), signed and attached as usual to the proceedings) was subsequently enacted, and is now the law of Jamaica.

To this proposal the prosecutor agrees.

First Witness for Prosecution.

JOHN HAMILTON, Labourer, residing at Grange Hill, being duly sworn, is Questioned by the Prosecutor:

J. Hamilton.

2. *By Prosecutor.*] WHERE did you live at the time of martial law?—At Grange Hill.

3. Did you know a man named William Gray, if so, tell the Court where he lived at the time of martial law, and what has become of him?—I knew him; he lived at Grange Hill; he was shot during martial law.

4. Where was he shot, and who shot him?—He was shot at a bread-fruit tree at Grange Hill. Doctor Morris called him down; and when he came down he asked, what man is this? A soldier said, "It is one of the Grays." The doctor then tell him he must stand off. He took off his hat and say, "Massa, what I do?" and the doctor say, "I want no chat. Stand off." And he point a pistol at him five times, and the pistol would not go off; and he screwed the pistol from the lock, and then he put it back, and called to one of the soldiers: "Must bring me a rifle here." And then he tell the soldier to stop a little; and he cocked a pistol at Billy Gray, and the pistol go off, and the man fall. When the man fall, the doctor came to me; and when the constable come up he asked him about me. Then the constable said he knew me from a boy, that I lived on the place, and then I walked off. When the man Billy Gray fall, he was dead; he was dead before I went away.

5. Did anybody say anything to the doctor before he told William Gray to stand off?—No.

6. How far is the place, which you call Grange Hill, from Manchioneal Bay?—There is an estate before you come to Manchioneal Bay; it is about a mile from Grange Hill, you go to Muirton, and then to the Bay.

7. Was anybody present when Billy Gray was shot; if so, tell their names?—There was nobody present when he was shot, except Deacon; he was walking with the soldiers, and Robert Taylor, from Amity Hall.

8. Do you know the date of the month when this man Billy Gray was shot; what day of the week was it?—I do not date the day, because I do not read or write, but it was Wednesday morning.

9. Was Billy Gray shot during martial law?—Yes.

10. What became of the body of Billy Gray?—When he shot he lay till four o'clock in the evening, then a constable, Stephen Grant, got men and take up the body, and put it at the old buckra's house where the busha lives, Grange Hill house; the body stop there till Thursday morning, then the same persons who took the body up there make a grave and bury him.

11. Did you see anybody at all near the place where Billy Gray was shot, at the time he was shot?—No.

12. Were there any soldiers there?—Yes; a lot of soldiers was there.

13. Did you help to dig the grave for the body of Billy Gray?—Yes; after the hole dug, I took the clothes Billy Gray was shot in off him, and put on clean clothes, and he was buried in them.

14. Do you know if Billy Gray left a sweetheart and any children?—Yes, he left a sweetheart and six children alive.

15. Can you tell the Court why the sweetheart is not here; what is her state of health?—She was sick when I left Grange Hill, where she lives.

16. You said Dr. Morris shot Billy Gray; where is Dr. Morris?—I do not know him now; but I knew him at Manchioneal; I do not live with him.

17. Stand up and look about, and see if he is in the court?—

Witness complies, and then states "that he does not qualify with the face now."

18. *By Prisoner.*] What size place is Grange Hill; how far did you live from Billy Gray?—It is a big place; old sugar estate before time; I live as far from Billy Gray as from this place to the barrack gate.

19. Is there any road or track along which the soldiers came where you say Billy Gray was shot?—Yes; there was a road to the place.

20. Where does that road come from, and where does it go to?—It is a road from early time from the Bay; it is a short road up the hill, and it comes into the King's-road.

21. Can you say if Billy Gray was shot near that road?—Yes, near enough; as far as to the door of the verandah.

22. About how many soldiers do you think were present when you say Billy Gray was shot?—I cannot tell, because I did not reckon it; but they were plenty of soldiers.

23. Who were the soldiers that were there when you say Billy Gray was shot?—There were two white soldiers; doctor make one: rest were black and brown.

24. Was the other, white soldier or white officer?—I do not know if soldier or officer; it was a tall gentleman.

25. How long altogether did the soldiers remain about there, when they came up to Grange Hill this same day?—They did not stop much long; about an hour and a half.

26. About what time in the day do you say that Billy Gray was shot?—About eight o'clock Wednesday morning.

27. Were you sworn before the Queen's Commissioner, Mr. Gurney, in St. Thomas-in-the-East, about the 27th February, at Manchioneal?—Yes.

28. Was your house burnt down during martial law?—Yes.

29. Did

29. Did you swear before Mr. Gurney that Robert Deacon said, "This is one of them for whom you have a receipt," meaning Billy Gray?—Yes, I said so; and Deacon said "This is one of the names on the list at the barracks."

30. Did you not swear that same time that Robert Deacon at the time when he spoke to doctor, pointed to Billy Gray?—Yes; Deacon was walking with the soldiers, and he know the man, and he called the man's name.

31. Did you not swear before Mr. Gurney at the same time and place that doctor presented a pistol three times at him, and it would not go off?—No, I said four times; same as I tell here.

32. Did you not swear at same time and place that doctor took the gun from the soldier and fired, and he fell dead, meaning Billy Gray?—No, I said a pistol.

33. Did you tell Mr. Lewis that it was a pistol or a gun, at the same time when you were examined in Manchioneal about this matter?—I tell him it was a pistol.

34. When did martial law begin, and when did it end?—It was a Monday it began; but I do not recollect when it ended.

35. How many times did soldiers come to Grange Hill?—The whole soldiers only come that time, when they come from Port Antonio; they came there the Monday and searched the place, then they came from the barracks on Wednesday, and went up to Deeling that day that Billy Gray was shot; the barracks were where they stop at Muirton.

36. Are you positive that no soldiers came by that road on the Thursday, after this Wednesday and the Monday?—They used to pass, but they never stop at Grange Hill, except the two days.

37. Are you positive that the whole of the soldiers came by this road on the Monday just before this Wednesday; were they white or black?—No white soldiers come on the Monday, because I did not see white soldiers.

38. Were you there on the Monday (Grange Hill)?—Yes, at my own house.

39. Did any soldiers come from Port Antonio on that Monday, and come past this road, at Grange Hill?—When they searched the place at Grange Hill, then they go to the next place at Lancefield. *J. Hamilton.* 11 Dec. 1866.

40. When you first heard soldiers and doctor come up, how far off were you from Billy Gray; were you then at your house?—I was on the step of the buckra house; Billy Gray was not there yet.

41. About how far from the busha's house was the road on which the soldiers came?—Not far; the busha's house like, at the step you come up here; and the road like the other side here (*the width of this building*).

42. How far were you from Dr. Morris when, as you state, he fired his pistol and shot Billy Gray?—Quite close, not further than this (*pointing to a spot about three paces off*).

43. When doctor fired his pistol and shot Billy Gray, as you say, who was nearest, you or Billy Gray, to doctor?—Billy Gray.

44. How many yards off was Billy Gray from the doctor, and how many were you from Billy Gray, at the time when the pistol was fired?—Billy Gray was as far as that (*pointing to a place which was found to be five paces*); I was standing at the back of the doctor, and the soldiers were right round me.

45. About how many soldiers were right round you when you say the doctor fired?—I cannot tell; I did not reckon them; a good gang.

46. What do you call a good gang in field labour?—About 150.

47. Then, do you think about 150 soldiers were right round you?—I cannot tell; if I tell 100 I may tell a lie, if I say 50 I may lie; I did not count them.

48. You say one white soldier was with Dr. Morris, did you hear the name of the white soldier; was it Captain Hole?—I did not hear his name, but it was not Captain Hole.

49. Do you know Captain Hole, or did you ever see him, if so when and where?—I know him; I go to the barracks with some goods I found, and then I see him.

50. On what day did Captain Hole come to the road on Grange Hill?—I have never seen him on the road.

[The Witness withdraws.

Second Witness for Prosecution.

JOHN STEEL, ——, residing at Belle Castle, St. Thomas-in-the-East, being duly sworn, is Questioned by the Prosecutor.

51. *By Prosecutor.*] Do you remember the time of martial law, if so state when it was, and state where you lived at that time?—I remember it was in October 1865; I lived then at Belle Castle; I was then servant to Parson Harris. *J. Steel.*

52. Do you know a place called Grange Hill; in what parish is it, and if you knew the county state it also?—I know Grange Hill, it is in St. Thomas-in-the-East; I do not know what county it is in.

53. Did you know a man named William or Billy Gray, and is he alive or dead?—I knew him; he is dead now.

54. When did he die, and by what was his death caused?—He died in October 1865; the day was a Wednesday; I was with the soldiers coming from Muirton to Deeling, and after coming back from Deeling come down back to Grange Hill. Dr. Morris was with the soldiers. When he saw Billy Gray, he call him to a bread-fruit tree at Grange Hill, and he ask him, "What is he doing?" and he said, "Minding some cattle." First he ask him, "What is his name?" and he said, "My name is Billy Gray." And then the doctor turned round to a corporal and ask him if he had a name on the list of the name of Gray, and he said, "Yes." And the doctor said, "This must be the fellow," and he said to him, "I am going to shoot you," and he put him standing this way (*placing his hands behind him*). Billy Gray said, "I have been nowhere during the rebellion." The doctor said, "I have your name on the list; I am going to shoot you," and he took out his revolver. He had a revolver at his side, and he took it out and he cocked it at Billy Gray, and it snapped; five times it snapped.

J. Steel.
21 Dec. 1866.

And he took off the cap and put in fresh powder and another cap, and cocked it, and it snapped again the sixth time. The soldiers were round, and he said to a soldier, "Shoot him," and the soldier shot him with his rifle.

55. Do you remember the names of any persons who were present; if so, state them?—A man of the name of Deacon was there, and William Burke; Mrs. Curate was there and her son; there was plenty more, but I do not remember them; I was in a great fright.

56. How did you know the name of the person you call Dr. Morris, and would you know him now if you see him?—I know his name when I was with the soldiers at Muirton; I would know him now.

57. Stand up and look about, and if you see Dr. Morris in this room point him out?

Witness complies, and points out Assistant Surgeon Morris.

58. In which part of Billy Gray's body did they shoot him?—At his stomach. (*Witness points to the lower part of his own chest.*)

59. Did you know Billy Gray well, and are you sure it was he who was shot; were you any "family" to him?—I knew him well, and am sure it was he who was shot; I was no "family" to him.

60. Was anything done to him after he was shot?—Yes; the soldiers shoot him in several places after he was dead, when he was lying on the ground, and the doctor split his skull with his sword.

61. Can you read and write?—Yes, both.

62. *By Prisoner.*] How far off is Mr. Harris's place from the place where you say you saw Billy Gray shot?—About two miles and a-half.

63. Who is the Mr. Harris whose servant you were; where does he preach; which church does he belong to?—He is a Baptist; he preaches at Belle Castle, Stokes' Hall, and Leith Hall.

64. Did you ever give evidence on oath before the Queen's Commissioners; if so, when and where?—No.

65. Do you know that there was an order to take you in custody with Manning, and bring you before Captain Hole?—No, I do not know that.

66. What were you doing away from Belle Castle or Muirton that Wednesday, away from your master?—The soldiers came up to Belle Castle on the Monday before the Wednesday, and removed Mr. Harris and myself, and the families, to Muirton; on the Wednesday the soldiers told me to follow them.

67. Where was Mr. Harris on the Monday; where was he on the Wednesday?—He was at Belle Castle on the Monday; at Muirton on the Wednesday.

68. Were you taken down with Mr. Harris from Belle Castle, or did you follow the soldiers at the same time with him?—Taken down with him by the soldiers.

69. From where did you follow the soldiers; did you leave Mr. Harris behind at Muirton on the Wednesday?—From Muirton, and I left Mr. Harris there.

70. What was the reason which made you follow the soldiers and leave Mr. Harris at Muirton?—The soldiers told me to follow them wherever they were going.

71. What for were you to follow the soldiers wherever they were going: merely because they told you so?—I followed because they told me to do so; at that time, if the soldiers told you, you were compelled to go.

72. Who were the soldiers that came up about the place about or at Grange Hill on this Wednesday; about how many soldiers were there then?—Black soldiers and white mixed together; there were plenty, but I did not count them.

73. Do you mean soldiers of the 6th Regiment and of the Black company?—I mean of the Black company, not of the 6th Regiment.

74. Are you aware that Ensign Cullen was requested to bring your master, Mr. Harris, with Mr. Manning, before Captain Hole, on some charge for preaching sedition at Stokes' Hall?—No, I do not know.

75. *By Court.*] You said there were black soldiers and white mixed together; how many white soldiers were there?—I cannot tell how many; there were plenty, but I do not know how many white; I do not know what regiment they belonged to.

[The Witness withdraws.

Third Witness for Prosecution.

ELIZABETH CURATE, residing at Grange Hill, being duly sworn, is Questioned by the Prosecutor.

E. Curate.

76. *By Prosecutor.*] DID you know Billy Gray; and, if so, when last did you see him?—I knew him; I saw him last the day I was going to the provision field; it was a Wednesday in October, the same year as the martial law.

77. Where did you see him, and was he alive or dead?—I met him before the soldiers take him up at Grange Hill, at the breadfruit tree.

78. Is there any road near to the place; if so, tell where it leads to?—There is a road near, the old road, the short road that leads to Manchioneal Bay.

79. Did the soldiers say anything to you; tell what?—They said we must stop, we must not pass them.

80. What did you see done to Billy Gray?—Them shoot him; I do not know who shoot him; I do not know the doctor from the other white one.

81. Was it a soldier that shot Billy Gray?—A white man order him to be shot; a soldier shoot him, a short yellow man.

82. Was the white man you speak of who ordered the yellow-skin man to shoot, a soldier?—Yes.

83. Did you hear anybody speak to that white man, and if so, what did they call him?—No, I did not hear.

84. Did you see that white man do anything before Billy Gray was shot?—No.

85. Did you see anybody have a pistol in his hand?—Yes; I saw one of the white men had a pistol in his hand.

86. What did the white man do with the pistol?

pistol?—He point it after Billy Gray at first, and it did not go off; and he point it again and it did not go off; before he ordered the short man to shoot him.

87. Was it the same white man who pointed the pistol at Billy Gray that ordered the short man to shoot him?—Yes, the same man.

88. What did the yellow-skin man shoot Billy Gray with?—With a rifle.

89. Did you know Billy Gray well, and are you quite certain it was he you saw shot; was he any relation to you?—I knew him well, he lived in the same place with me; I am sure I saw him shot; he was no relation to me.

90. Did you go to your ground that day after Billy Gray was shot, and did you return by the same way to your house on that day?—Yes, I went there and came back the same way.

91. Did you see Billy Gray's dead body as you returned from your ground?—This time I come back from my ground I saw him lying on the ground by the breadfruit tree.

92. What time of day, as near as you can judge, was it that Billy Gray was shot?—I cannot tell; but it was soon in the morning.

93. Do you remember the names of any people who were at the place when Billy Gray was shot; if so, mention them?—Only me, and my son, and a little girl named Ellen Gray. *E. Curate.* 11 Dec. 1866.

94. Was there anybody else there whose names you do not know?—I did not see any more at all, only the three I tell.

95. *By Prisoner.*] How far off from the road is your house?—You can stand on the old road and call a person in my yard.

96. Where were you standing when, as you say, you saw Billy Gray shot; how far off from him were you?—No distance at all; about so far (*pointing to a person about six or seven paces distant*); if the soldiers had let me go away, I would not have stopped at all.

97. About how many soldiers were there that day at this place, about this same time, black and white?—There were plenty of soldiers, but I cannot tell how many.

98. Did you see white or black soldiers about there on the Monday or Thursday on the same week of the Wednesday?—I saw black soldiers on the Monday; but the fright of seeing Billy Gray shot made me ill, and I not able to come out of the house on the Thursday.

[The Witness withdraws.

Fourth Witness for Prosecution.

JOHN CURATE, residing at Grange Hill, being duly sworn; is Questioned by the Prosecutor.

99. *By Prosecutor.*] DID you know Billy Gray, and where did he live, and is he alive or dead?—I knew him; he lived at Grange Hill; he is dead. *J. Curate.*

100. When did he die, and what made him die?—It was in October last year; he was shoot by the soldiers.

101. Where was he shoot by the soldiers?—Underneath a breadfruit tree on the Grange Hill road.

102. Where does the road lead to, and from what place?—It leads from Williamsfield down to Muirtown.

103. What time of day was Billy Gray shot?—Soon in the morning; I do not know the hour.

104. Where were you coming from and going to when you saw Gray shot?—I was going to the provision field, and coming from my house.

It being now 4 p.m., the Court adjourns till 9 a.m. To-morrow, the 12th instant.

SECOND DAY, 12th December 1866.

On Wednesday, the 12th of December 1866, at 9 a.m., the Court re-assembles pursuant to Adjournment—present, the same Members as yesterday—and proceeds with the Examination-in-Chief of JOHN CURATE.

105. *By Prosecutor.*] How did the soldiers shoot Gray; tell the Court all you know about it?—When I come up I see him standing under the breadfruit tree, and a white man point a revolver after him five times, and it don't go off; he turned round directly and order a soldier to shoot him, and the soldier shoot him, Billy Gray, with a rifle; he fall down upon his back dead; he was hit in his breast. *J. Curate.* 12 Dec. 1866.

106. Who was the white man that gave the order?—I don't know his name.

107. Did you hear anybody speak to him, and how did they address him?—They call him Dr. Morris; I heard one of the soldiers call him so.

108. Did you stop yourself to see Billy Gray shot, or did anybody stop you?—The soldiers stop me.

109. Do you think you would know Dr. Morris if you see him now?—No.

110. What sort of a man was it who shot Billy Gray with the rifle?—He was a yellow-skinned man.

111. Was Billy Gray any relation of yours?—No.

112. Can you tell how many soldiers were present when Billy Gray was shot—were they white or black soldiers?—No; there was plenty—lots of them—white and black.

113. *By Prisoner.*] What do you mean by pointing a revolver five times—what sort of a revolver was this revolver?

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Witness describes his meaning by raising his right arm, and adds that this was done five times, and it would not go off—the revolver was a short thing—I call it a revolver because some have five nipples and some six—I never handle them; I only see them.

114. Then do you mean that he put the revolver out, and drew it in five several times, one after the other?—Yes.

115. How long do you think that revolver was?—A little longer than that ruler (*pointing to one which measured nearly twelve inches*); it is not a long, big gun.

116. Had you ever seen a revolver before that?—Yes.

117. How much longer than that ruler do you think the revolver was? Show the Court.—The one I saw at Muirton was a little longer than the ruler; I did not notice the one the white man had; there was so much soldiers there I did not observe it.

118. The revolver that you saw, where was it, at Muirton; if so, whose was it, and when did you see it there?—I saw it at Muirton; it was sent to a man to repair: it was before martial law; I and my father was working there.

119. Is the revolver you saw at Muirton before the martial law the only one you saw at all?—Yes.

120. Where were you standing when, as you say, you saw Billy Gray shot; how far off was he from you; get up and show the Court?—I was close to him, as far as to the wall there (*about five paces*).

121. Then how could you possibly see the revolver pointed five times, if you could not notice the revolver for the soldiers being around you?—As the revolver would not go off the white man draw out, and I saw the revolver in his hand: a horse got away, and a man went after it, and that opened them; they were not just so close to one another.

122. Then do you mean that you only saw the revolver in the white officer's hand after it was pointed the five times?—I saw it when he pointed.

123. Were you standing at the back of the soldiers when you say the revolver would not go off?—Yes.

124. Is it true, then, that you only noticed the revolver after you say the officer drew out?—I only saw it when he drew out.

125. Did the horse get away before or after the revolver was pointed at Billy Gray?—As he point the revolver the horse get away with the bridle hanging over his head.

126. Was the horse in front or at the back of you when he got away, or behind the soldiers?—In front of me, but behind the soldiers.

127. Was the horse standing alone, or was the officer holding the bridle over his arm, or was a soldier holding it when it got away?—A soldier was holding it.

128. *By Prosecutor.*] When you say that the revolver you saw at Muirton is the only one you saw, do you mean the only one beside that which you saw the white man point at Billy Gray?

The Prisoner objects to this question for the following reason: I submit that this question on re-examination is inadmissible, as suggesting an answer; it is not a question put on cross-examination.

The Prosecutor replies that the question does not suggest an answer; it is in terms the same as a question put by the Prisoner and allowed, and there is no principle by which the character of the questions can be differently regarded.

The Prisoner rejoins: That which can be asked in a certain leading manner in cross-examination cannot, by the rules of evidence, be allowed to the same extent in re-examination; the rules as to examination-in-chief, and as to re-examination in putting questions, are similar; not so on cross-examination.

The Court is cleared for deliberation.

The Court decides that this question, in its present form, is of too leading a nature, and that it should not be replied to.

The Court is re-opened, and this decision is announced.

129. *By Prosecutor.*] How many revolvers have you ever seen?—Two.

130. Tell the Court what two you allude to?—I saw one at Muirton, and one in the white man's hand, at Grange Hill-road, the day he shoot Billy Gray.

131. You have said you saw the revolver in the white man's hand when he pointed it at Billy Gray; was that the same man who you say drew off?—Yes.

132. What, then, do you mean when you say you saw the revolver in his hand after he drew off; explain to the Court what you mean?—When the horse got away, and the man went after him, I saw him point the pistol; I saw him between two men, and after the pistol would not go off, and he drew out, I saw it again.

133. By the *Court.*] At which point of the revolver did the horse break away?—At the second point.

134. Besides the soldiers, whom did you see present when William Gray was shot?—I don't see nobody but soldiers, and my mother and Ellen Gray.

[The Witness withdraws.

Fifth Witness for Prosecution.

WILLIAM BURKE, Sailor, belonging to Scot's Run, near Manchioneal, being duly sworn; is Questioned by the Prosecutor.

W. Burke.

135. *By Prosecutor.*] Do you remember the time of martial law?—Yes; it was 18th October 1865.

136. Did you know a man named Billy Gray; if so, tell the Court where he is, if you happen to know?—I know Billy Gray; he is at Grange Hill; he died.

137. What caused his death?—He shot in the martial law.

138. Who shot him?—Dr. Morris.

139. Did

139. Did Dr. Morris shoot him himself?—No.

140. How, then, was Billy Gray shot?—Dr. Morris pointed a revolver five times, and it snapped; and he order a soldier to shoot him; and the soldier shoot him in his front with a rifle.

141. What sort of a soldier was it who shot Billy Gray?—A short, yellow-complexioned man.

142. Was Billy Gray shot; and was he killed?—Yes.

143. How do you know it was Dr. Morris; do you know Dr. Morris now?—Yes.

144. Stand up and point him out, if you see him in Court?—(*Witness complies, and identifies Assistant Surgeon Morris.*)

145. Where did this shooting take place; describe the place as well as you can?—At Grange Hill, near a large tree—a breadfruit tree.

146. Was it near any road; if so, state which?—Yes, near the old road to Muirton.

147. What were you doing there at the time, and state what time of day it was?—I was going to Muirton to get a protection from Captain Hole for my house; it was eight o'clock in the morning.

148. What did you see there when you got to Grange Hill?—I saw the soldiers coming from Deeling; black soldiers and two white officers.

149. What more did you see?—I saw no more; but when I came down the road Dr. Morris called Billy Gray, and he asked him "where he was when he come to his house"; he said "he went a little ways," and then he order him to be shoot.

150. Did you hear Dr. Morris say anything to any one about Billy Gray, before he ordered him to be shoot?—He asked Deacon if this man (meaning Billy Gray) was at the Bay; I did not hear what Deacon said.

151. Do you know what day of the week, month, and year this was?—On Wednesday, the 18th October 1865.

152. Was Billy Gray any relation of yours?—No.

153. Can you read and write?—Yes.

154. Do you know in what parish and county Grange Hill is?—In St. Thomas-in-the East; I forget the county.

155. Did you know Billy Gray well, and are you quite certain that it was he you saw shot, as you have described?—Yes, I know him well, and I am certain it was him I saw shot.

156. *By Prisoner.*] Did you ever give evidence on oath before any of the Queen's Commissioners about this matter?—No.

157. Who is William Burke, of Ginger Hall, who did give evidence on oath; are not you the same man?—No; I do not know Ginger Hall.

158. How far is Scott's Run from the main road to Muirton?—A mile.

159. How far is Scott's Run from Muirton, and from Grange Hill?—About two miles to Muirton; and to Grange Hill about a mile by the long road; but there is a short cut.

160. Where is Scott's Run; is it or not on the other side of Muirton, towards Portland side, or on this side of Muirton?—This side of Muirton.

161. How long did you stop at Grange Hill this same time when you say you saw soldiers and two white officers there?—About a quarter of an hour.

162. Is Grange Hill on this side of Muirton, or on the other (Portland) side of Muirton?—This side.

163. Where, exactly, were you standing when you say you saw Billy Gray shot?—Close enough—I was so far from the Doctor (*pointing to a spot about five or six paces distant*).

164. Were you amongst the soldiers at the road, or were you at the back or front of them, this same time?—I was in the midst of them.

165. Did you hear what Dr. Morris' word was when you say the order was given by him to shoot Billy Gray?—He said to the soldier that he must shoot the man.

166. You say there were two white officers; one you called Dr. Morris; who was the other officer?—Ensign Cullen.

167. You were asked about martial law time; did martial law begin or end on the 18th October 1865?—It end about November.

168. How do you so well remember it was the 18th October, and on what date did the soldiers leave Muirton?—I can read, and I have an almanack; they left Muirton about December, on a Sunday, but I do not remember the date.

169. When first did you begin to think of the 18th October 1865; did you ask any one about it?—I remember it from the time; I did not ask any one about it.

170. Are you sure the soldiers were coming from Deeling; if so, who told you?—I am sure, nobody told me, but I saw them coming down.

171. Did you take the date at all, or put it down; and if you put it down, when did you do so, and why did you do so; Billy Gray was no relation of yours?—I remember the date, and keep it in mind, but I did not put it down.

172. How far off were they when you first saw them coming down from Deeling; did you see them in the mountains?—I was abreast of the road where they were coming from; I was quite close; about four or five paces.

173. At what particular spot was that, and how far on the other side of this breadfruit tree?—The soldiers were coming from the mountains; I was in the middle of the road; from the breadfruit tree it was about as far as from here to the barrack gate.

174. Which way did the soldiers then march after returning from Deeling?—They marched on to Williamsfield way.

175. Did you go to Grange Hill at any other time but this same time during martial law?—I went other times during martial law.

176. When you left the place where you say Billy Gray was shot at Grange Hill, did you go on to Muirton to see Captain Hole, for protection, that same day, and where did you go to after that?—I returned back with the soldiers.

177. How far back, and where did you go back with the soldiers that same day?—Up to Scott's Run.

178. Have you talked about this shooting of Billy Gray with any one from Grange Hill, or at Manchioneal?—When I go home to Scott's Run, I "alarmed" it that the doctor shoot Billy Gray.

179. How far is the Busha's house doorstep from the breadfruit tree, where you say you saw Billy Gray shot?—About as far as from where I am to the barrack gate.

180. When you returned back with the soldiers,

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diers, did all the soldiers and officers go too, at the same time; at what hour did they return?—They all left together, and left Scott's Run to go to Haining about 12 o'clock noon.

181. Did they leave you at Scott's Run that same day, or did you go on with them that day to Haining?—They leave me at Scott's Run.

182. By the *Court.*] You say that you saw Billy Gray shot; did you see any mark on his body after he fell?—Only where the ball took him; in his stomach (*pointing to his chest*).

[The Witness withdraws.

Sixth Witness for Prosecution.

ELLEN GRAY, residing at Grange Hill, being duly sworn; is Questioned by the Prosecutor.

E. Gray.

183. *By Prosecutor.*] DID you know William, or Billy Gray, and what relation was he to you?—He was my brother.

184. Is Billy Gray alive or dead?—Dead.

185. Do you know what killed him, if so tell the Court?—They kill him in the martial law; the soldiers; a short yellow-skin man shoot him.

186. Where did the man shoot him; at what place?—At a breadfruit tree; at Grange Hill.

187. Is there any road near to the place, if so, tell what road, where it leads from and to?—Yes; there are two roads, one old road and one new road; they both go to Manchioneal Bay.

188. Was the yellow-skin man you speak of a soldier?—Yes.

189. What time of day was it when you saw Billy Gray shot?—I do not know the time, but soon; when I going to provision field.

190. How did you go to that place where Billy Gray was shot, and whom did you go with?—I was going to the provision ground from my house; I go with Mrs. Curate, she was going too.

191. What kind of soldiers was it you saw, white or black?—They were black soldiers and white ones with them.

192. Was there anybody else with you and Mrs. Curate?—There was William Curate, the young man you done with this morning.

193. Did you see anybody do anything to Billy Gray before the yellow-skin man shoot him?—I see a white man point a pistol at him three times.

194. Did the pistol go off?—No.

195. What made the yellow-skin man shoot Billy Gray; did anybody say anything to him, the yellow-skin man?—The white man gave an order to shoot him.

196. What did the yellow-skin man shoot Billy Gray with?—He shoot him with a rifle; the big gun.

197. Do you know what month, or day of the month, or week, and what year, this happened on?—One Wednesday in October last year; I do not know the day of the month.

198. Was it the same white man who pointed the pistol at Billy Gray, who ordered the yellow-skin man to shoot him?—Yes.

The Prisoner objects to this question, and explains that he would have done so before the answer was recorded, had there been time. His objection is, that the question is one put in examination-in-chief, and is of too suggestive and leading a nature for the witness. It almost points to what the answer is to be.

The Prosecutor respectfully presses the question, and submits that it is not a leading question, that it is calculated to evoke a very material piece of evidence, and it is not practicable to shape the question in any other way. The witness has not used any name, she has only described a person as having done one thing, and with the same description has said another thing was done (or said), and simply to ask if it was the same person who said and did, is, he respectfully submits to the consideration of the Court, legal and allowable.

The Prisoner rejoins.—The question can easily be properly put as thus: Who was the person that held the revolver? Who was the person who gave the order?

The Court is cleared for deliberation.

The Court decides that the question is a leading one, but as it has been replied to and cannot be expunged, it marks its sense of the inadvertent admission of the question by dismissing from its consideration any impression which the reply might be calculated to give rise to.

The Court is re-opened, and the above decision is announced.

199. *By Prosecutor.*] Do you know any of the soldiers' names, or would you know any of them now, if you were to see them?—No.

200. Who do you say pointed the pistol at Billy Gray?—One white man.

201. Who do you say told the yellow-skin man to shoot Billy Gray?—The white man.

202. Which white man?—I do not know the white man. I never saw him before I saw him on the path at Grange Hill.

203. Do you know an officer from a common soldier?—No.

204. How many white men did you see there?—I did not reckon how much white men were there, for I was frightened when they shoot my brother; there were plenty of soldiers.

205. When the white man pointed the pistol at Billy Gray, and it did not go off, what did he (the white man) say or do?—He order the yellow-skin man to shoot.

206. Do you know what your brother was doing just before they shot him?—I cannot tell what he was doing; for I was coming up and he was coming down, to the breadfruit tree.

207. Did you see in what part of his body Billy Gray was shot?—Here (*pointing to her chest*).

208. By *Prisoner.*] Did you hear, as you say, the white man give the order. What word did he speak same time?—Yes; he gave orders, "Shoot that man."

209. Were you in front of, or behind the soldiers, this same time?—Side and side. I stand up close alongside the soldiers and Mrs. Curate.

210. How far were you from Billy Gray when shot,

shot, and from the soldiers?—I was not far off at all (*Witness shows the distance, about two paces*). I was not much far from the soldiers, quite close.

211. Then, were the soldiers the same distance from Billy Gray as you were, when you stood side by them?—The soldiers stand opposite Billy Gray, I was at the side; they were as far as from you to me (*about three or four paces*).

212. Were the soldiers behind the white man, or in front of him?—They stand up behind the white man.

213. Show how near the soldiers were standing behind the white man?—(*Witness shows the distance, about a yard*).

214. Were the soldiers all around you, or were you on one side of all of them; or was any soldier in front of you?—The soldiers were standing all round, and some in front of me.

215. Did you say a little while ago that there were plenty of white soldiers, and plenty of black soldiers there at same time, when, you say, Billy Gray was shot?—There were plenty of soldiers, both black soldiers and white soldiers, plenty.

216. How do you know the white man pointed his pistol three times; did you count, and were any soldiers standing between you and Billy Gray; can you count, or read or write?—Yes, I saw him, and I count; no soldiers stood between me and Billy Gray at the time. I can count, but I cannot read or write. *E. Gray.* 12 Dec. 1866.

217. How far off the bread-fruit tree were the soldiers when you say Billy Gray was shot?—Not far off at all, under the bread-fruit tree.

218. How far is the bread-fruit tree from the road; show if you can, or point out any distance?—You walk at the side of the bread-fruit tree when you go along the path. There are two bread-fruit trees, one on each side.

219. After you say you saw Billy Gray shot, where did you go?—After I see him shot, I went to the provision ground.

220. How long did you remain there at your ground; tell what time of day?—I did not stay; when I get there I come back; I frightened, and take ill in my bowels.

At 1.30 p.m. the Court adjourns till 10 a.m. to-morrow, the 13th instant.

Third Day, 13th December 1866.

On Thursday, the 13th December 1866, at 10 a.m., the Court re-assembles pursuant to adjournment. Present, the same Members as yesterday, and proceeds with the Cross-Examination of Ellen Gray.

221. *By Prisoner.*] Were you examined before the Queen's Commissioner about this matter?—No.

222. Do you know Parson Harris of Belle Castle?—Yes.

223. Who told of your name as a person to be a witness?

Before recording this question the Court is cleared for deliberation, and decides that this question is too vague.

The Court is re-opened, and the question, at the prisoner's request, is recorded; but the witness is directed not to reply to it in its present form.

224. Have you seen Parson Harris or George Manning lately?—I have not seen Mr. Harris for about two months, since I been here; I saw Mr. Manning yesterday. *E. Gray.* 13 Dec. 1866.

225. You said you were ill the same day as you say Billy Gray shot and went home; were you ill all that night?—Yes: I sick all night.

226. *By Court.*] You have said that the white man pointed his pistol three times at Billy Gray, and afterwards gave order to the yellow skin to shoot him; was he (Billy Gray) tied; and if not did he make any attempt to escape?—No, I do not think there was rope; he did not try to get away.

[The Witness withdraws.

Seventh Witness for Prosecution.

Robert Deacon, Engineers' servant of H. M. Gunboat "Nettle," being duly sworn, is questioned by the Prosecutor.

227. *By Prosecutor.*] Where did you live during martial law?—I was in Muirton. *R. Deacon.*

228. Did you know a man named William, or Billy Gray, and can you say if he is alive or dead?—I knew him; he is dead.

229. When did he die, and where?—At Grange Hill: on a morning; I do not remember the day, but in October last year.

230. Describe to the Court particularly what part of Grange Hill?—It was on the road leaving Muirton through Grange Hill, by two bread-fruit trees.

231. Where does the road lead to, and end?—It is a straight road from Manchioneal Bay through Grange Hill; then through Williamsfield, across the river, and up to Haining.

232. How did Billy Gray die; what caused his death; tell the Court all you know about it?—The morning we left Muirton and went to Deeling, that is me and the soldiers, black soldiers and a few white ones, we turned back from Deeling; the doctor saw three men sitting on the step at Grange Hill House; he went there with a few soldiers and ordered them down to the bread-fruit tree; and when he come he, the doctor, asked me if I knew the men's names; I says, "I know two names, the other one I did not know;" he says, "You must tell the names;" I say,

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"The one is Billy Gray, the other John Hamilton;" well, the corporal say he has down Billy Gray's name on his list; the corporal's name, William Hunter. The doctor put out Billy Gray, and say he must stand up, and he did stand up; the doctor point his revolver at Billy Gray and it did not go off, and he order a soldier with a large rifle and shoot him, the soldier shot him, a white soldier.

233. Whom did the doctor order down to the bread-fruit tree?—Billy Gray, John Hamilton, and the other man whose name I did not know.

234. Did you see Billy Gray shot; if so where was he hit, on what part of his body?—I saw him shot; I do not know what part of his body he was hit, but I saw him fall down on his back.

235. Was Billy Gray any relation of yours?—No.

236. You have spoken of a doctor; do you know his name?—Yes; his name is Mr. Morris.

237. Do you know Dr. Morris by sight; could you point him out if you saw him; have you seen him since the day Billy Gray was shot; and if so, state when and where?—I know him; and could point him out; I saw him come on board the "Nettle" at Morant Bay when I was there; perhaps three months ago.

238. You have said the doctor pointed his revolver at Billy Gray and it did not go off; how many times did he point the revolver?—Five times he point, and the revolver snap.

239. How long have you been a servant on board H. M. ship "Nettle," and are you on the ship's books?—Six months now; I am on the ship's books.

240. How long after Billy Gray was shot did you remain at the place where he was shot?—I did not remain there; I follow the soldiers to Haining; I was with them.

241. How many soldiers do you think were there; how many white and how many black?—I do not know, I did not count them; I cannot tell how many white or how many black.

242. What hour of the day did this happen?—About eight o'clock in the morning.

243. *By Prisoner.*] At what hour did you leave Muirton that same day?—About seven o'clock in the morning, or 7.30.

244. How far is Deeling from Muirton or Manchioneal Bay?—Deeling is a mile from Muirton, a mile and a-half from Manchioneal Bay.

245. Which is furthest from Manchioneal Bay or Muirton, Deeling or Haining?—Haining is the furthest.

246. How far is Hainiug from Muirton and Manchioneal Bay?—About four miles from Haining to Muirton, and about five miles to Manchioneal Bay.

247. How do you go from Muirton to Haining; can you go by the same road as past Grange Hill?—Yes.

248. Do you pass Deeling to go to Haining, if you take the road past Grange Hill?—You do not go through Deeling; there is a road on the right hand opposite buckra house, at Grange Hill, which goes to Deeling.

249. How far is Deeling off the road which goes from Muirton, past Grange Hill, and on to Haining?—It is half-a-mile from Grange Hill buckra house to Deeling.

250. When first did you get to Deeling; the same day when you left Muirton, about seven or half-past seven that same morning, as you stated, and how long did you remain at Deeling with the soldiers?—We did not remain long at Deeling. I do not know how much o'clock when we got there, but we did not stop long, but turn back immediately.

251. What did you go to Deeling for; state what you know to the best of your belief; what was done when you got to Deeling with the soldiers; did you go for nothing?—I went with the soldiers; I saw nothing done but the houses burnt at Deeling; I went with the soldiers of my own free will.

252. Did the soldiers take as long as you have been sitting in that chair, at Deeling, to burn the houses and do what they went for, before they left Deeling; tell about how long, will you, they stayed there?—From the time I come in here, they had been up to Deeling and back again to Grange Hill.

253. You are asked to tell about how long you remained there at Deeling; give some idea?—I cannot say how long I was at Deeling, for I have no watch with me, and I do not know the time.

254. Were you examined before Mr. Russell Gurney, the Queen's Commissioner, on the 27th February 1866, at a place called the Barracks?—Yes.

255. Did you at the time when, as you say, Billy Gray was brought up with the other men, at this same time, at Grange Hill, say, "This is one of those for whom you have a receipt," or "for whom there is a receipt," or "whose name is on the list," or any words to such effect, or was it the corporal?—I did not say anything like that; but the corporal say, "This man's name on his list."

256. Was John Hamilton, one of the witnesses examined at the same time before Mr. Gurney, the same witness who was examined here before this Court?—Yes; the same man.

257. You state that you left Muirton that morning to go with the soldiers to Haining; why did you not go straight on to Haining, but turn out of your road and go to Deeling?—The soldiers went out of their road, and I went with them.

258. Did you not swear before Mr. Gurney that the doctor fired a revolver six times at Billy Gray?—I said five times.

259. Did you not swear before Mr. Gurney, on questions "Did the revolver go off?" "Then he tried to shoot him" (*in answer*), "Yes; and then he took a large gun from a soldier and shot him?"—I said the revolver did not go off, in answer to the first question; to the other, I did not say the doctor took a gun at all.

260. In October last year, what was your occupation about Manchioneal?—I was with my father, working in the provision field.

261. *By Court.*] What regiment did the soldier who shot Billy Gray belong to; was he of a black or white regiment?—He join the black regiment; I do not know what he belonged to.

262. Do you know the soldier who fired the rifle at Billy Gray by name, or would you know him if you saw him?—I do not know his name; I would not know him if I saw him.

[The Witness withdraws.

Eighth Witness for Prosecution.

STEPHEN GRANT, Constable at Grange Hill, being duly sworn, is questioned by Prosecutor.

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263. *By Prosecutor.*] WHERE did you live at the time of martial law?—In Grange Hill.

264. Did you know a man named William or Billy Gray, and can you tell if he is alive or dead?—I knew him, he died.

265. How do you know he is dead?—He shot in martial law; I was the constable who asked Captain Hole for liberty to bury him; I see him lying down at the bread-fruit tree on Grange Hill property; the bread-fruit tree on the road side; the road which leads to Manchioneal Bay, or to Kingston; it is a cross-road; there are two bread-fruit trees at the place, one on each side of the road, their leaves combine; Billy Gray was dead when I saw him lying down.

266. Did you see any mark on the body, when he was lying down under the bread-fruit tree?—Yes; he have a chop, a cut on the forehead, nothing else.

267. Can you fix the date of the week, month, and year, when you saw Billy Gray lying dead under the bread-fruit tree?—Eighteenth October 1865, on Wednesday.

268. Did you get any paper from Captain Hole, giving you leave to bury the body?—Yes.

269. Can you read and write?—Yes, a little.

270. Have you the paper you got from Captain Hole with you?—Yes.

271. Produce the paper to the Court?—

Witness produces the paper, which is read by the Deputy Judge Advocate, marked (C.), signed, and attached to the Proceedings.

272. Did Captain Hole write that paper before your eyes, and give it to you?—He wrote it before me and gave it to me.

273. That paper bears the name of Stephen Johnston, did you give your right name to Captain Hole?—I gave my right name, but he make a mistake by putting Johnson.

274. After you got the paper what did you do?—I leave Muirton and come up to Grange Hill and take two men, Crame and William Mitchell, who were hung afterwards in martial law, and carry the body up to the Great House on the 18th, the day he was shot; on Thursday morning, the 19th, I was going about as a constable; I gave the paper, the same paper I just give in, to Richard Cane, to see the body buried.

275. Why did you give the paper to Richard Cane?—I had no time myself, as I was going about as a constable.

276. Did you know Billy Gray well, and are you sure it was he you saw dead, and whose body you removed to the Great House?—Yes, I knew him well; it was the same man I saw dead; I met him before in the morning, when he was going out to look for the minister's cow.

277. Was Billy Gray any relation of yours?—No.

278. Are you quite sure the paper you have handed to the Court is the same you got from Captain Hole, which you say he wrote in your presence?—The same paper.

279. *By Prisoner.*] Where were Crame and Mitchell hung, and on what day; is Richard Cane the same person as Crame, who was hung with Mitchell?—I saw the volunteers take them away, but I do not know the day, and they never come back since; Richard Cane and Crame are different men, Richard Cane was not hung.

280. You say volunteers took them from Muirton; what volunteers took them?—I do not know.

281. Were you a regular constable or a special constable, who carried a staff and wore a badge for the time being, and are you now a constable?—I was a rural constable before that time and at that time, and I am one now.

282. At what place and time of the day did you see Captain Hole, when you say he gave you that paper?—I saw him at Muirton Great House, about 4 o'clock p.m.

283. How long have you had that paper, just before you produced it to-day?—I had it from the 18th October last year.

284. All that time, are you sure?—Yes.

285. Look well at that paper; is that the paper in the same state in respect of all the writing, from the time when you say you received it from Captain Hole, to the time when you produced it before the Court?—

The writing of the Deputy Judge Advocate is not referred to, nor that of the President.

It is just the same, except what I write myself on the back, "Mr. Andrew Williams, No. 5 Regiment."

286. When did you write that which you say you wrote on the paper, on the back?—On the same day I got the paper, the 18th.

287. Did you write that which you say you wrote, after or before you got leave from Captain Hole?—After when I got leave, as I did not have the paper before that.

288. You say you wrote what you did write on the same day; where did you write that?—At my house.

289. Read that paper?—

The Witness reads a portion of the paper thus: "The bearer, Stephen Johnson;" "a dead body at Grange Hill;" "Manchioneal, 18th October 1865" but states that he cannot make out the rest, but subsequently points out and reads the words, "to bury."

290. Write "Andrew William, 5th Regiment"?—

Witness complies, and the writing is marked (D.), signed and attached to the proceedings.

291. Where did you keep that paper all the time, from the 18th October last year to the time when you produced it?—Richard Cane keep it from the 18th October, till I produce it.

292. You say "Richard Cane kept the paper from the 18th October 1865 till you produced it;" where did he keep it to your own knowledge?—He keep it in his own house, so he told me.

293. Can Richard Cane read or write, to the best of your belief?—Yes, a little; he can sign his name, but I do not know how farther he can go.

294. Did you write "Andrew Williams" before you gave that paper to Richard Cane?—Yes.

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295. You say you saw Captain Hole at 4 o'clock on the same day and got that paper from him; what made you write, as you say you did, on the back of the paper, the same day?—The man was in the regiment, and I write the name as a flourish, just to remember the name.

296. Was Andrew Williams at the same place where Captain Hole was, when you saw Captain Hole?—He was in the camp at Muirton Great House, but I do not know if he was there just the same hour.

297. Did you see Andrew Williams after you got the paper from Captain Hole, at the camp at Muirton Great House that same day?—He rode and I walk with him as a constable, from Grange Hill to Muirton, on the morning of the 18th.

298. Did you see this Andrew Williams after you saw Captain Hole, as well as in the morning?—No.

299. Where had Andrew Williams been that morning, that he should be returning alone with you in the morning?—Coming from Scott's Run; he went there the day before on duty.

300. Were you ever examined on oath before any of the Queen's Commissioners; is this the first time you have given your evidence on oath about this matter?—This is the first time I have been examined on oath.

301. *By Prosecutor.*] Why can't you make out the other words in the paper, which you have not read?—They are tedious words which I cannot join together.

302. You said, in answer to a question, "How long had you that paper, just before you produced it to-day?" "From the 18th October last year, I had it;" and again to a question, "All that time are you sure?" you said, "Yes;" then again, you said in the early part of your examination in chief, and again in cross-examination, "that you gave it to Richard Cane," and "Richard Cane had it;" explain fully to the Court what you mean, and when you parted with the paper, and when again you saw it?—I gave it to Cane on the 19th October 1865, and I saw it to-day; I did not see it between those times.

303. Who gave it to you to-day?—Colonel Daniell.

304. *By Court.*] You say that Billy Gray was shot during martial law; how do you know that he was shot?—I saw him hearty in the morning; the "alarm" was all about that he was shot by the soldiers, and I saw him lying dead afterwards.

305. To whom did you give the body of Billy Gray in charge when you had it moved to Grange Hill Big House?—Billy Gray's own family take care of the body that night; Nathaniel Gray, his brother, and Billy Gray's housekeeper, Henny Scott.

[The Witness withdraws.

Ninth Witness for Prosecution.

RICHARD CANE, a Labourer, residing at Grange Hill, being duly sworn, is questioned by Prosecutor.

R. Cane.

306. *By Prosecutor.*] DID you know Billy Gray, and is he dead or alive?—He is dead. I knew him.

307. When did he die, and where?—In martial law, in October 1865, at Grange Hill; bnt I bury him 18th October.

308. Who dressed his body before it was buried, that is, for the burial?—I did.

309. When did you first see his body?—In the Grange Hill buckra house, on the 18th October.

310. Was it the same day you saw the body first, that you buried it?—Yes.

311. Was that the same day he died?—

> The Prisoner objects to the question on the following grounds: that it is attempting to get an answer partly by hearsay and partly by the Witness's own knowledge. He has already stated that he did not know the day of Billy Gray's death, or see him shot. The Prosecutor ought not to press his own Witness on the same point over and over again.
>
> The Prosecutor declines to make any reply, but presses the question, and leaves the matter in the hands of the Court.
>
> The Court is cleared, and decides that the question may be put. The Court is reopened, this decision announced, and the Witness directed to answer the question.

No.

312. In what condition did you see his body when you dressed it or undressed it to bury it; state fully to the Court all you saw?—The clothes he had on I took off; they were covered with blood; I take them off and put on clean clothes I saw a ball go through his stomach (*pointing to his chest*) and out of his back, and a cut right down his forehead and eyebrow.

313. What time of the day did you see the body in the buckra house at Grange Hill?—Six o'clock in the morning.

314. Did you get any paper from any one, giving you leave to bury the body, and would you know that paper again if you see it?—Stephen Grant gave me the paper; I would know it again if I see it, I think.

315. Look at the paper now produced and shown to you, and tell the Court if you know anything about it?—

> The paper marked (C.) is shown to the Witness, and he identifies it as that given him by Stephen Grant.

316. To whom did you give the paper?—To Mr. Jackson.

317. Who buried Billy Gray's body, and where?—I and John Hamilton; in the yard of Billy Gray's own house.

318. Was Billy Gray any relation of yours?—No.

319. Had Billy Gray any wife or sweetheart, and where is she?—He had a sweetheart, Henny Scott; she lives at Grange Hill.

320. Did you keep that paper all the time from Grant gave it to you till you gave it to Mr. Jackson?—Yes.

321. *By Prisoner.*] Where were you all the day, up to the time when you first saw the dead body you call Billy Gray's, at the buckra house?—At my house.

322. How

322. How far off is your house from Billy Gray's house; are not the old negro houses at the back of the buckra house?—Near a quarter of a mile, I think; the old negro houses are not at the back of the buckra house.

323. How far are the old negro houses from the buckra house in which you say you saw a dead body?—Very near enough; from this to the gate of the barracks.

324. Did not black soldiers come about Grange Hill on the Monday and Tuesday just before this same 18th October last year, and were there not complaints about soldiers plundering on those days at Grange Hill?—There were black soldiers about on the Monday and Tuesday, and there were complaints about their plundering. *R. Cane.* 13 Dec. 1866.

325. Do you know that Nathaniel Grey went from Grange Hill to be examined on oath at Manchioneal; where is he now?—I do not know, he went to Manchioneal to be examined on oath. He has gone home, back to Grange Hill.

326. You say Nathaniel Grey went home back; was he up here in Kingston lately?—Yes.

[The Witness withdraws.

Tenth Witness for Prosecution.

PETER PHILLIPS, Head Man and Constable on Duckenfield Estate, being duly Sworn, is questioned by the Prosecutor.

327. *By Prisoner.*] Where did you live during the rebellion?—At Duckenfield, on my own property. *P. Phillips*

328. Do you remember any men being brought to your yard under charge; if so, state who, and for what charge?—Four men bring to my house, under charge of Cyphus Wills, Samuel Bryan, George Colson; the four men were Tommy Miles, George Walton, John McCall, and Richard Francis; they were charged with stealing oil, and nails, and rum off the estate.

329. Can you tell the Court the date of this, the day of week, the month, and the year?—October 1st of last year, Saturday.

330. What did you direct should be done with the men?—Take them out; carry them to the bridge to the soldiers, for flog them.

331. How long have you been living at Duckenfield Estate, and is there living on the estate now, any person who has lived there longer than you?—I born there, and I grow there up to now. There is one old ageable man, only able to crawl, but nobody live on the estate, white or black, so long as I have.

332. Can you tell your age?—Not exactly, but I think I am about 60.

333. Did you ever see any of these men, McCall, Walton, and Miles, after they left your yard at Duckenfield, and were they dead or alive?—I saw them dead after, on the 2nd October.

334. *By Prosecutor.*] What day of the week was this?—Sunday.

335. Where did you see them, these three men?—When I coming from Golden Grove, about 10 o'clock in the morning, going to the Iron Bridge, I see them tied to a bamboo fence, a fence made for a rail, on Duckenfield land, lower than the bridge; the bridge is one side, and the fence the other side, lower down. They were dead and tied up, only the head hanging down.

336. Did you look good at them, and are you sure they were the bodies of the same men; tell the Court in what condition you saw the bodies?—I stand up in the road on my beast's back and have a good view of them; they were the same men that sent away from my house; I saw them there; one had an eye knocked out, one had a hole in the skull and the marrow came out, and the third had a wound in his stomach. I stand up and have a view of this.

It being now 4 p.m., the Court adjourns till 10 a.m. To-morrow, the 14th instant.

FOURTH DAY, 14th December 1866.

ON Friday, the 14th December 1866, at 10 A.M., the Court re-assembles pursuant to adjournment—Present, the same Members as yesterday, and proceeds with the Examination in Chief of Peter Phillips.

337. *By Prosecutor.*] Do you know the grass piece in which the three men, Miles, Walton, and McCall were said to have been buried?—Yes. 14 Dec.

338. Did you ever know that grass piece to be used as a burial-ground?—Never yet.

339. Is there a cane piece next to the grass piece in which the bodies were said to have been buried?—Yes; over the barricade there is a cane piece.

340. What divides the cane piece from the grass piece?—The barricade; a ditch that divides it.

341. What was the barricade made for, and what purpose does it serve?—It was made for to keep back the water when the river is high.

342. Through what land does that water come which would go into the works but for the barricade?—Through Duckenfield land the water is come.

343. What part of Duckenfield land?—Through "Hard Time" piece, and through "Cotton-tree" piece; "Hard time" piece is on the left, and "Cotton-tree" piece on the right of the road that leads from the Iron Bridge to Duckenfield works.

344. Does the water come through any land not in canes?—Come right through the grass

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piece and mount the bank from the river, go over to the canes.

345. What grass piece? — Duckenfield grass piece.

346. What is the name of the grass piece?—I do not exactly know the name, but we always call it "West" grass piece, Duckenfield.

347. Do you know where the Post-office is?—Yes, next to the road leading to Amity Hall; the road leading to Duckenfield works, and the road leading to Golden Grove; there are three roads; the grass piece just before the Post-office is Duckenfield land, just over the road.

348. Did you see a grave being dug near where you say you saw the three dead bodies tied up?—Yes; on 22nd October last year I saw a grave dug by some men; I stand up in the road and look at them.

349. In what land was that grave dug; tell the Court particularly?—The grave dug in Duckenfield land, in the "North" grass piece of Duckenfield land.

350. You have spoken of a road to Golden Grove, a road to Duckenfield works, and a road to Amity Hall; does the road lead to any other place, the straight road from Golden Grove past the Post-office?—The straight road lead to Amity Hall.

351. If you come from Golden Grove, go past the Post-office, and go on the straight road, where will you get, if you are not going to Amity Hall or Duckenfield?—If you do not go to Amity Hall, then the road divide and go to Holland Bay.

352. How far is that land, or North grass piece from the Post-office, I mean the grass piece in which you said you saw a grave being dug?—Not far at all; I do not measure it, but it is about a chain and a half; about 80 feet.

353. Do you remember when the martial law was?—Yes; in October last year.

354. Did you see McCall, Walton, and Miles at any time during martial law?—

The Prisoner objects to this question for the following reasons:—

The objections are: 1st. The names of the men, the subject of this prosecution, are positively stated. 2nd. The witness has already answered as to the dates when he took prisoners, and saw them on a bamboo rail. 3rd. This is an attempt to alter those dates by a question put in direct positive terms as to most material points, broadly pointing out an answer to material facts, namely, martial law time, and the burial of the three men.

The Court can judge for itself from evidence already given, whether the witness has or has not sworn as to any particular time during martial law.

The Prosecutor presses the question, but makes no reply to the objections raised, and leaves the matter in the hands of the Court.

The court is cleared for deliberation.

The Court decides that the question is admissible, and being reopened, this decision is announced, and the witness directed to reply to it.

Witness.] After that, they were taken from my house to the bridge and killed; I see them no more.

355. *By Prisoner.*] Are you the same Peter Phillips who gave evidence at Up Park Camp on the 16th October this year?—Yes.

[The Witness withdraws.

Eleventh Witness for Prosecution.

CYPHUS WILLS, a Constable at Duckenfield, being duly Sworn, is questioned by the Prosecutor.

C. Wills.

356. *By Prosecutor.*] Do you know the Duckenfield Post-office, and the Iron Bridge near to it?—Yes.

357. Do you remember the time of martial law, if so, tell when it was, as near as you can?—I remember October last year.

Regimental No. 476. Serjeant John William Allen, 3rd West India Regiment, is sworn to act as interpreter, and interprets the remainder of this witness's evidence.

358. Did you go to the Iron Bridge with anybody, and tell whom you went with, and when you went?—I went to the Iron Bridge with bookkeeper Bryan, John Cashee, and only the prisoners, four of them; one got away, three go to the bridge; this was 21st October last year.

359. What were the names of the prisoners?—One was Tom Mell, Richard Walters, Richard Francis, who got away, and John McCall; John McCall's father was my countryman.

360. Whom did you give the prisoners to, when you got to the Iron Bridge?—I gave them to the officer; I do not know his name; and the officer ask what they brought the prisoners for.

361. Whom did the officer speak to?—To bookkeeper Bryan.

362. What did they do with the prisoners?—Officer ask Bryan what the prisoners done; Bryan say they thieve rum and nails; that he brought them for to flog. The officer turned round and go to the doctor, and the doctor come and ask what they bring prisoners for, and Bryan say same words, thieve rum and nails; he brought them to flog. Doctor say they must be shot; soldiers take the prisoners from me. When the soldiers take the prisoners from me, I turn back about two or three chains, then I hear 10 guns shoot. When I turn back, it was to go to Duckenfield.

363. Did you see what they did with the prisoners after you gave them up, and before you turned back?—When they take the prisoners from me, I turn back; I did not see.

364. Where did they carry the prisoners to when they took them from you and Bryan; tell what you saw yourself?—The doctor gave the soldiers orders to shoot prisoners; then I turn back.

365. Did you ever go back to the place?—I go back the next day, when I come back from Golden Grove.

366. What did you see when you went back the next day?—I saw the dead bodies tied to the bamboo fence, with their hands behind their backs

backs, and their heads so *(illustrated by bending the body well forward; with the head hanging down)*.

367. What dead bodies did you see the next day; tell the names?—I see John McCall, Tom Mell, and I see Richard Walters.

368. *By Prisoner.*] Are you the same person called Cyphus Wills who was examined as a witness in October last, before a court martial on oath, at camp?—Yes.

369. Did you know of your own knowledge at the same time that it was the 21st October 1865 when you say you took prisoners, or did not somebody else tell you the date?—No. Gentleman tell me at Golden Grove. Gentleman tell me it was 21st when I carry the prisoners. Gentleman tell me next day, Sunday, was 22nd, when I go to Golden Grove. Sinclair told Bryan on Sunday that yesterday was the 21st, and I hear it and put it in my head.

370. Did not Bryan and Coshee turn back with you at same time to go to Duckenfield, after the prisoners were delivered up?—I leave Bryan behind.

371. Did you not say just now that gentlemen tell you to say at camp, that you must remember that it was the 21st and 22nd?—Yes. Mr. Sinclair call all three at Golden Grove, Peter Phillips, Bryan, bookkeeper, and me (that was Sunday), and say, "To-morrow must get ready to work in the field—all the gang."

372. Who was it told you to remember when you went to camp to say that it was the 21st and 22nd?—Same way I hear from Mr. Sinclair at Golden Grove, and I put it in my head.

373. Did you not swear before the court martial at camp that it was Bryan who told you the 21st October, last year, was the day you took prisoners to Iron Bridge?—No; I say Mr. Bryan call me to take the prisoners.

374. Have you seen George Manning or Anderson since you gave your evidence on oath before the court martial at Up Park Camp?—I see them here, but not at Windward Duckenfield way. I see Mr. Manning even yesterday and to-day. *C. Wills.* 14 Dec. 1866.

375. Do you know if George Manning is connected with the Maroons; has he not a son by a Maroon woman?

Before this question was read out by the Deputy Judge Advocate, the Court is cleared by the President's order. On being reopened, the President informs the Prisoner that the Court considers the question objectionable.

The Prisoner requests that the question may be recorded. This is done accordingly, but the Court rules that it shall not be replied to.

376. Did you not see Maroons come about Golden Grove and Duckenfield during martial law. Do you know Captain Mends, of the Maroons?—Yes; I see Maroons come to Duckenfield during martial law. I do not know Captain Mends.

377. Can you read or write?—No.

378. *By Prosecutor.*] You have said Mr. Sinclair told you and Bryan and Peter Phillips what the day of the month was, on the Sunday, at Golden Grove. Tell the Court all the words, and the exact words, Mr. Sinclair used in telling you this?—Mr. Sinclair tell him, "must carry the gang on Monday, 23rd, for work; for break bank for sugar cane."

379. *By Court.*] At what hour on Sunday did you see the three dead bodies which you say were tied to the rail?—I can't tell; I have no watch.

380. Did the 10 guns you heard all go off together, or how?—No, they not go together; they go one, one, one, close together.

381. Will you count ten (10)?—Witness complies (*rapidly counting on his fingers till stopped at number sixteen*).

[The Witness withdraws.

Twelfth Witness for Prosecution.

GEORGE COLSON, Constable on Duckenfield Estate, being duly Sworn, is questioned by the Prosecutor.

382. *By Prosecutor.*] Do you remember martial law? if so, tell when it was?—Yes, it was 21st October, last year. *G. Colson.*

383. Do you remember doing anything in respect of prisoners? if so, tell the Court what you did, and when?—Saturday; I did bring four prisoners to the soldiers at the Iron Bridge, and one get away, and I brought up three. I do not know the date more than Saturday.

384. *By Prosecutor.*] Who were the prisoners? Tell their names, and where did you bring them from?—Richard Walton, Tommy Miles, and John M'Call. The name of the one who get away is Richard Francis. I brought them from Duckenfield, and took them to the Iron Bridge to the soldiers.

385. What month was it, can you remember?—In October last year; I do not know the year.

386. To whom did you deliver the prisoners when you got to the Iron Bridge?—The officer, Mr. Cullen.

387. Who went with you and the prisoners from Duckenfield to the Iron Bridge?—Bryan and Cyphus Wills.

388. What was done with the prisoners when you arrived at or before you left the Iron Bridge?—The officer take the prisoners away from me, and went up to the office door, and after that called to the doctor. What him and the doctor say I do not know; and after the discourse done they loose the prisoners the one from the other, and tie one against the Post-office post; and Mr. Manning come out and said "Loose them from the door;" and after they loosed them, the soldiers and the doctor marched them down the road; the road that go away to Holland. As you go along the logwood hedge on the side, and when the logwood hedge end, they tie them to the bamboo; and after them tied, I heard the gun that was fired before I move off.

389. What office door do you mean when you say the officer went to call the doctor?—The door that goes into Mr. Manning's private room.

390. *By Prisoner.*] Were you examined on oath before a court martial at camp in October last about these same matters?—Yes?

391. When examined on oath before, did you not

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not state that there were people standing between you and the officer, near the Post-office?—Yes.

392. Did you not swear before the same court martial as follows:—"I was anxious to go, and I walked off a chain, and presently I heard the voice of soldiers say 'shoot,' but who said shoot I cannot tell if any other person else. I turned back and hurried away," or words to that effect?—That is true.

393. Did you not also swear before that court martial as follows:—"After I see them tied, I could not bear to see them any more, the soldiers seemed so anxious to shot them; I turned away and come back to my place," or words to that effect?—Yes, that is true.

394. In answer to questions on oath before the same court martial, did you not state that you remembered "soldiers coming to Iron Bridge during martial law; they came on a Sunday." Were you then asked before that same court martial, "Are you sure it was a Sunday?" Did you not answer, "It was not Sunday?" And were you then asked, "When was it?" And did you not then answer, "I cannot tell the right day when we came to the Iron Bridge," or words to that effect?—I do not recollect saying "it was Sunday;" I did say "it was not Sunday," and I do not recollect saying "I cannot tell the right day when we come to the bridge."

395. Did you not swear before that same court martial as follows, or words to the effect, "I returned the same day to Duckenfield with Cyphus Wills"?—Yes, I recollect saying that.

396. Did you not state just now that you do not recollect the day or date when soldiers came to the Iron Bridge?—Yes.

397. Did you not swear before the same court martial on oath that you did not tell the busha of all this, and that you did not go to Spanish Town and give evidence on oath?—Yes, I did say so.

398. Did you not see Maroons during martial law about Duckenfield and Golden Grove?—I hear of them, but I never see them.

399. *By Prosecutor.*] You have said you do not recollect the day the soldiers came to the Iron Bridge, but do you recollect the day you went to the Iron Bridge with prisoners, and found soldiers there?—Yes, Saturday day.

[The Witness withdraws.

Thirteenth Witness for Prosecution.

ROBERT SPEED, Boatswain and Constable at Holland Bay Wharf, being duly Sworn, is questioned by the Prosecutor.

R. Speed.

400. DID you do any duty as a constable during the rebellion?—Yes.

401. Did you know three men named Miles, Walton, and McCall?—I did not exactly know them myself, but I know them by name; I was at the Iron Bridge by Duckenfield side of Plantain Garden River, when the three men came there; I was there long time before they come.

402. Can you tell what time, the day of the week, and month, and the year, when you saw them at the bridge?—That was on the 21st October, a Saturday day; last year, October.

403. Who brought the three men to the bridge?—The constables from Duckenfield, Colson, old Wills, and Bryan.

404. What did you see done to the three men when they were brought in and until you left?—When the prisoners come in I hear a racket, and the soldiers hear it, and half run to the bridge, and half run the Duckenfield way, and them that went Duckenfield way met the three men with the constables coming in, and I, sitting down on an empty box, a side of the shop, and holding my horse in my hand. After they come in the soldiers ask the constables what they brought the three men for; they say they brought them there for flog; asked them what they done, and they say steal nails; asked them where, and they say, Duckenfield Estate; and after that the doctor was in Mr. Manning's little place, and when he come out he see the soldiers glad and enjoy themselves, and he speak to them, and say, "they must quiet themselves;" then he axed the constables what they brought the men there for; they tell him for flog; he axed what them done; say thieve nails; axed them where; they say Duckenfield Estate; then the doctor and the officer asked Mr. Manning if he got any twine to make a cat, and he reached the twine from where he is, and they give the twine, and they getting about to make the cat—Corporal Hunter. Well, I see the doctor and the officer go away bridge way, and then they come back, and they done away with the cat.

405. After they done away with the cat, what did they do with the prisoners?—They loosed the prisoners from where they is; they were tied against the post of Mr. Manning's porch; then the doctor and the officer order the soldiers to carry down the prisoners, and after they go down I never move, stand for a while, and then I heard the report of a gun; then after I heard the gun my mind tell me the men were shot; after a time I budge, I rise up and go a-piece; I see the three prisoners shot, and one of them have his brains hang down on the forehead; and I would not go down that way, but went over the bridge, and go through the works to Holland Bay; this was 21st Saturday day.

406. Do you know the name of the doctor of whom you have been speaking, if so state it?—I do not know his name.

407. Did you go back again that way, and if so, state when, and tell who went with you, and on what business?—I went back next day, Sunday; Mr. Brooks went with me, to take up some prisoners at Holland Estate.

408. How many prisoners did you take up?—I don't exactly positive, but about 30.

409. Where did you go with the prisoners?—To Golden Grove Estate.

410. Did you see anything as you went with these prisoners, before you got to Golden Grove Estate?—Yes, when I went to the bridge, Mr. Brooks order me to go by the road; well, I saw the three men tied, and all the prisoners saw them, and they was miserable to look upon, the bodies swell up.

411. Are you quite sure it was the bodies of the same three men you saw brought to the bridge the day before?—The same three men.

412. When you saw the bodies how were they, that

that is, in what position?—They were with their backs to the grass piece, their heads hang down, and their hands tied to the fence; the fence was bamboo with logwood alongside. (*Witness illustrated the position by standing up, bowing his head, and placing his arms straight down by his sides.*)

413. Were there any other constables with you in charge of these prisoners?—Yes, there were pressed constables, and rural constables; Richard Hall, Burke, Bevis, Hunter, and Johnny Hamilton were constables; I do not recollect the names of the others.

414. *By Prisoner.*]—Are you the same person who was examined on oath before the court martial at Up Park Camp in October last, and before the present members of this Court at the same time?—Yes.

415. When you were examined on oath before the same court martial, did you ever mention the name of Mr. Brooks as a person who went with you back to this same place near Iron Bridge, or even mention your taking prisoners down there?—No.

416. Did you on your examination before the same court martial state that any pressed or special constables or rural constables were with you when you took prisoners in charge the morning you state, or is this the first time?—I never repeat that in camp.

417. Who is Mr. Brooks?—He is a bookkeeper on Holland estate; from that he move to Golden Grove.

418. Is that Mr. Brooks now a bookkeeper at Golden Grove?—Not now.

419. Did you not swear before that court martial as follows, or words to that effect—"They took prisoners down a little more from the shop-way; I stand for a while or two, sitting down on a box at the shop door, holding my horse at the same time. I heard the report of the gun; I was still sitting at the shop?"—Yes; I said so.

420. Did you not swear before the same court martial as follows, or words to that effect—"I go away; heard a gun by the smith's shop; I did not reach quite down"?—No; I never said "I go away;" I said, "I stood at same place," and heard the report of the gun; after that I budge. *R. Speed.* 14 Dec. 1866.

421. Think of what you are going to say: did you ever with your own eyes actually see soldiers shooting at the prisoners at that bamboo fence; did you not swear before the same court martial that you only heard a gun, and that you were, when you heard the gun, sitting at the box close to the shop, holding your horse?—Where I sat down I could not see them; but when I heard the gun, and after a time I budge, then I see the soldiers on the spot. I said at the last court martial what you read out.

422. You swore just now that your mind gave you the men shot, and you just go and have a cast: did you not swear before the same court martial as follows, or words to that effect—"I peeped at the prisoners then" (*meaning when they were tied to a fence*)?—Yes; after I budge.

423. Before that same court martial did you to a question, "You swore on Saturday that you could not tell the month when you were sick, with two doctors attending you: how is it you were able to pick out the 21st of October last year as being the exact day of the month and the year when all this happened," or to that effect, swear, in answer, "I knew the exact day of the month; I was obliged to know it, because I carried in my head; but the time I was sick, I can't tell that exactly"?—Yes; I said that at camp.

424. Did you also then swear, "I did not get any one to do it for me," meaning to put down the date?—Yes.

425. Were you also asked the question before that same court martial, "What day the rebellion break out?" Did you answer, "I think it was a Saturday the rebellion broke out, but I don't know the day of the month"?—Yes, I did.

[It being now 4 p. m., the Court adjourns till 10 a. m. to-morrow, the 15th instant.

Fifth Day, 15th December 1866.

On Saturday, the 15th December 1866, at 10 a. m., the Court re-assembles, pursuant to adjournment; present the same Members as yesterday, and proceeds with the Cross-examination of Robert Speed.

426. *By Prisoner.*] Did you not then also swear before the same court martial to the following question put to you—"What are the names of the prisoners?" "I am not acquainted to know the names of the prisoners," or words to that effect?—Yes. *R. Speed.*

427. Did you not swear before the same court martial that you never gave evidence on oath to any one before that time on this subject?—Yes, did.

428. Did you not, before the same court martial, in answer to the following question, swear—"Did any one go down with the soldiers; if so, state who?" answer, "Well, I really cannot tell"?—Yes.

429. Have you seen Manning or Anderson since you gave your evidence before the court martial at Camp?—Yes; I did see them, but me and them have no talk. I see them in the street, but not in Manning's house; I not been there at all.

430. *By Court.*] About what time in the morning was it when you passed the Iron Bridge with the prisoners on Sunday?—I can't know exactly, but I think about nine o'clock.

431. Did you find the soldiers at the Iron Bridge when you came there, or did they come after you, on the Saturday?—I find them at the bridge.

432. You have said that you heard the report of a gun: can you tell how many reports you heard?—More than one report; more than one gun (described as "bim, bim, bim"), but how many I cannot tell.

433. How much time was there between the "bims"?—I cannot say.

[The Witness withdraws.

Fourteenth Witness for Prosecution.

RICHARD FRANCIS, Labourer, residing at Dalvey, being duly sworn, is questioned by Prosecutor:

R. Francis.

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434. *By Prosecutor.*] WERE you ever taken up as a prisoner, and who took you up?—Yes; Bryan took me up.

435. Any body with Bryan?—Yes; Cyphus Wills and Mr. Colson.

436. When was it, and what happened?—October last year, a Friday. Halliday take me to mend fence, to prevent the cattle from destroying the canes. After that they take me up to Peter Phillips' house, and from there to the Iron Bridge; when I going along the road I escape, upon the barricade, close to the Iron Bridge, and I run into the canes.

437. Was any body taken up with you; if so, state who?—Richard Walton, John M'Call, Tommy Miles, and myself.

438. Did you go to the Iron Bridge, or did you escape before you got there?—I make my escape before I reach the Iron Bridge.

439. Were you tied in any way when you left Duckenfield estate; that is, while you were in custody?—Tied this way by the hands (*pointing to his wrist*); me and Walton tied together, two and two going along the road.

440. *By Prosecutor.*] Did you see anything which made you try to escape?—I see plenty of soldiers at the Iron Bridge.

441. How did you manage to escape?—It was God loosed me; the Almighty. I not tied too tight.

442. What did you do after you escaped?—I run away, and stay in the bush for four weeks.

443. How long did you remain in the canes?—From the time I get into the canes I stay till almost night; then I start straight to the bush.

444. Did you hear anything while you were in the canes?—I hear about four gun fire.

445. When do you say all this took place?—October, last year; I do not know the day of the month, but it was a Friday.

446. Did you take any nails from Duckenfield estate?—Yes; a little.

447. Did you carry back the nails?—Yes; I carry them back.

448. What day did you carry back the nails?—On Saturday.

449. *By Prisoner.*] Did you ever give any evidence on oath before the Queen's Commissioners, or anywhere else on oath, before to-day?—Yes; at Spanish Town, and at Camp.

450. Where were the canes into which you run; on which side of the road as you go from Duckenfield, were these canes?—On the right hand as I go from Duckenfield to the Iron Bridge.

451. Were you taken quite up to Iron Bridge at first, past to the Post-office by constables, or did you escape before you got to the Post-office?—I do not go to the Post-office at all.

452. Did you not make your escape before you got to the "Cotton Tree?"—Yes.

453. What bush was it you hide yourself in for four weeks; did you see any one at all that time; did you keep quite silent the whole four weeks?—I was in the "Light House" bush. I saw no one all the time. I kept silent the whole four weeks. I eat nothing at all but roast crabs.

454. Have you seen George Manning, or Anderson, since you were examined at Up Park Camp?—Yes, I see them, but me and them never hold any conversation.

455. Were you before the Royal Commissioners at Spanish Town asked the question, "Had you been hiding there long," meaning the cane-piece; did you answer "No, I cannot tell?"—I cannot recollect.

[The Witness withdraws.

Fifteenth Witness for Prosecution.

SAMUEL BRYAN, Bookkeeper on Duckenfield Estate, being duly sworn, is questioned by Prosecutor:

S. Bryan.

456. *By Prosecutor.*] DID you take any prisoners from Duckenfield estate; if so, state how many, and tell their names if you know them?—I remember taking four prisoners from Peter Phillips' house down to the Iron Bridge, on the 21st October last year. The names are, Thomas Miles, Richard Walton, and John Mc Call; the other was Richard Francis, who made his escape on the way.

457. How many prisoners, then, did you take to the Iron Bridge?—Three.

458 What did you do with these prisoners when you arrived at the Iron Bridge?—I delivered them to Corporal Beckett, a yellow-skinned man. He belonged to the 1st Regiment; black soldier regiment.

459. What was done with the prisoners, as far as you saw?—They were tied at the post before Manning's shop-door, for a short time; then they remove by the soldiers down to the bamboo-rail, where they were shot at the fence.

460. Did you see anything done before they were sent down?—I saw Dr. Morris and Ensign Cullen whispering together.

461. Did you hear anything said by Dr. Morris, or by any other person in his hearing?—I heard when Dr. Morris told four of his men, the soldiers, to take up their rifles. He says, "Four of you, get up your rifles," and they marched the men straight down to the rail, and Dr. Morris himself went down to the spot.

462. Had you before this mentioned to Dr. Morris, or in his presence, the charge you had against the men, the prisoners?—I did, in his presence. I told Dr. Morris the charge of what the men commit; stealing rum, nails, and other things from the estate, and I beg he will flog them and let them go.

463. Had you told that charge to any one before telling it to Dr. Morris?—I told it to Ensign Cullen as well.

464. Did you see or hear nothing more before the

the prisoners were marched away down the road?—I heard when the soldier say to the three men, the prisoners, "You ought to say your prayers; I will let your bloody soul fly in five minutes."

465. Were you sitting, and, if so, on what; or were you standing when the prisoners were taken down the road?—I was sitting down on my horse back.

466. Whereabouts was your horse standing?—Just by the upper door of Manning's shop; by the upper door I mean nearest the Bridge way.

467. From that place and position, did you see the soldiers who went down the road?—Yes.

468. Did you see what was done with the prisoners; if you did, tell the Court all you saw?—I saw when the soldiers take them down to the rail, and as fast as they take them, one by one, they shoot them. They tie one to the rail and shoot him, and then another, and shoot him; and the other one the same way. I saw this with my two eyes, just as I see you; and I saw when Dr. Morris take one of the rifles, load it, and fire it himself; make the last volley; and he and the rest of the soldiers all walk down to the shop.

469. On which side of the road were the prisoners tied; speak as if you are looking down the road towards Holland Bay?—On the top side of the road; on the grass-piece side, on the right hand.

470. On which side of the road did the soldiers stand?—On the left-hand side.

471. Did you see the prisoners from where you were after they were tied to the bamboo-rail, and how did you see them?—I saw them from where I was sitting on horseback, with their hands tied together to the fence in front of them, and their backs to the road.

472. Did you go back to the Iron Bridge, and when, and did you go down to the bamboo-fence?—I returned to the Iron Bridge on the 22nd. I rode up to the fence where the three men were hanging dead, in this way (*placing his hands together in front of him and hanging his body down and on one side*). The whole of the body not on the ground. I saw all the heads mashed, and the brain going out of all of them. I turned my horse back, and went right home to Duckenfield.

473. Do you know the grass piece to the fence of which those bodies were tied, does it belong to Duckenfield?—Yes.

474. What is next to it, what land, that is what cultivation, and whose land is it?—Cane field, belonging to Duckenfield.

475. What divides the grass piece from the cane field?—Another logwood fence run upon the barricade.

476. What do you call the barricade, and what purpose does it serve?—It is a deep trench dug along to keep the water from coming into the canes: when they dig, they heap up the earth on a high bank, then on top of that bank the logwood hedge is, and that is the fence divide the grass piece from the canes.

477. Where from does the water flow, which that barricade keeps out?—From the Plantain Garden River.

478. Over what land does it flow between the river and the barricade?—Duckenfield estate; it is same barricade that run through Golden Grove and on to Holland.

479. Over what part of the Duckenfield land does it flow?—When the river flood, it run right through the cane fields, just opposite where these men were shoot.

480. Do you know Dr. Morris, that is, can you identify him if you see him?—Yes.

481. Point him out, if he is in this room?—(*Witness identifies Assistant-surgeon Morris.*)

482. You have said the water flows from the river to a cane-piece just opposite where the men were shoot, is there any land between the cane-piece and the place where the men were shot?—There is a grass piece there, where the men were buried; when I come to the parish, that is the first pasture I take my horse to; I take him there myself, and there was no grave there.

483. *By Prisoner.*] When you returned to Duckenfield on the morning of the 22nd, and as you say, saw the dead bodies tied on the fence, did you return to Duckenfield and leave the bodies tied there?—Yes, tied there.

484. Where were you the rest of that Sunday after you left the bodies tied as you say?—I was at Peter Phillips' house the whole day after I returned to Duckenfield.

485. Are you the same Samuel Bryan who gave evidence before the court martial at Up Park Camp, about these matters?—Yes.

486. When you said you took the prisoners to the Iron Bridge, did you mean to the Iron Bridge itself, or only to the Post-office?—I took the prisoners before the shop door, that is the Post-office.

487. Did you go any further than the Post-office with the prisoners that day?—No farther than the Post-office.

488. Did you not, as to the time of the actual firing, swear as follows, before the court martial: "I was sitting down at the front of the shop-door on my horse," meaning at the time of the firing?—Certainly; and I was sitting down on my horse back.

489. Did you not swear at the court martial, at Camp, as follows, or words to that effect, "After they went to the rail, I heard the report of the guns; I was sitting on horseback in front of the shop-door, and could only see the shoulders of the prisoners"?—Yes, I did.

490. Was it not close to the shop-door that you were sitting on your horse, near the posts of the shop?—No, I was not near the post; I was on my horse, as I tell you just now, and I was in the middle of the road.

491. Was your horse one of the common-sized ponies of the district?—He is not a very big horse, but a good sized horse; size of most of the other horses.

492. You say the soldiers stood on the left side, and the prisoners on the right side, were they then just on opposite sides of the road to one another?—Yes; opposite.

493. How long did you remain at the Post-office that day you say you took prisoners?—Well, I remain about five minutes or more; I have no watch with me, but I may say five minutes or more.

494. In answer to question before that court martial, did you not answer as follows, "I did not stop any more; I turned my horse's head and went home"?—Yes, I did.

495. What time of the day did you arrive at the Iron Bridge with the prisoners which you say you took there?—About 12 o'clock.

496. Did you not swear, at the court martial, held at Camp, in answer to the following question,

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tion, "Do you know their names," (meaning prisoners' names), "I am not acquainted with their names, as I only come to the parish lately,") or words to that effect?—I did; I know their names now, because I read them in the papers.

497. Have you seen George Manning, or Anderson, since you gave your evidence before the court martial, at Camp?—Yes, both; I see them in Kingston, after I gave my evidence at Camp; I always see Manning every day in Kingston, and Anderson too.

498. Have you seen Donaldson and the other witnesses, who gave evidence at Camp, since you gave your evidence there?—I see Donaldson and some of the witnesses, not all of them.

499. Were you present when Anderson, the teacher, was flogged during martial law; where and when was that done?—I stated already, that I saw Anderson flogged at Golden Grove during martial law; it was 21st October, same, very same day as the men were shoot.

500. Was he flogged on a Saturday, or a Sunday?—He was flogged on 21st October, and 21st October was a Saturday.

501. Was that Saturday the only day you saw Anderson flogged at Golden Grove during martial law?—Yes, but I did not see him flogged; but I was at Golden Grove that day, and know he was flogged.

502. Did you not swear before the court martial when you gave evidence before as follows, "I saw him (Anderson) flogged at Golden Grove, but I cannot say what for"?—Yes; but I mean I heard of the flogging, but I did not see it; people speak of it.

503. Do you know of your own knowledge, that George Manning was being searched for by troops from Golden Grove during martial law?—I heard some of the soldiers always ask for Manning. I see his own son, who was a volunteer, at his place, but no other troopers there.

504. You spoke of Manning's son, a volunteer; does he live with his mother, and who is she?—Manning's wife is the mother of Manning's son, she lives in town, in Kingston; but I do not know if the young man live with her in the same yard; I do not know who she was before he married her.

505. What is Manning's wife; is she a creole or a maroon, do you know or not; how do you know she is in Kingston?—I do not know what she is; I never see her in Saint Thomas in the East since I come to the parish; but I hear she lives in Kingston.

506. Did you mention Corporal Beckett's name when you were examined on oath before at Camp; did you not swear then as follows: "I delivered them to Ensign Cullen and Dr. Morris" (meaning the three prisoners)?—I did mention Corporal Beckett's name. I said at Up Park Camp that Corporal Beckett was the first person come to me, and I tell him the charge of what the men commit, and he says, "Let me go and call Ensign Cullen;" and Ensign Cullen came to me and I relate the same story to him, and he says, "Let me go and call Dr. Morris;" and Dr. Morris came, and I tell him the same. I use those words at Up Park Camp which you read out, as well as use Corporal Beckett's name.

507. Do you know Dight, the bookkeeper at Duckenfield; was he prevented by illness from attending as a witness on the former case?—Oh, yes; I know him; I know he was sick. Sickness did not prevent him from come, because he was working.

508. Don't you know that he was so ill that he was nearly dead when Mr. Georges came down?—He was not so ill as to nearly die; he have a little fever, and he go to his room for two days, and next day he was out at his work.

509. Had you a conversation with, or were you in company with Dight, alone or in the presence of another man, at or near the barracks at Duckenfield about the same time you first received your summons to give evidence, or just before you received that summons about these matters, and before you went to obey your summons?—There was other people there; a mason, name of Gibson; Mr. Rutty; young Mr. Snaith, and plenty other people beside Dight.

510. In that conversation with, or in the presence of Dight, did you say to Dight, or in his presence and that of Gibson, the mason, "that you wished every white man was hanged," or "those white buggers ought to be hung," or words to that effect?—I deny that already in Up Park Camp if I said so; Dight might have said something to me. It is a concoeted plan. I deny it.

[At 2 p.m. the Court adjourns till 10 a.m. on Monday next, the 17th instant.

Sixth Day. 17th December 1866.

On Monday, the 17th December 1866, at 10 a.m., the Court re-assembles, pursuant to adjournment; present, the same Members as on Saturday, the 15th instant; and proceeds with the Cross-Examination of Samuel Bryan.

S. Bryan.

511. *By Prisoner.*] You say, "If I said so, Dight might have said something to me;" do you know that Dight did report about you in respect of these same statements to Mr. Sinclair, just before, or about the time when Ensign Cullen came with Mr. Georges to Duckenfield in September or October this year?—No, I never heard a word of it till I came to Up Park Camp, and it was asked to me as a question. Mr. Williams did ask me before Mr. Sinclair and Mr. Georges that Sunday night when Ensign Cullen was there, and I deny it then.

512. Was not that before you gave your evidence at Up Park Camp?—Before I gave the evidence at Up Park Camp.

513. Do you not also know that Dight took down your words in pencil, and reported them to Mr. Georges or Mr. Sinclair just before you saw Ensign Cullen at Duckenfield this year, and before you gave your evidence at Camp?—Not to my knowledge. Dight never said a word to me, nor Mr. Sinclair; and if I had said so, I do believe Mr. Sinclair would have discharged me before now.

514. Are you aware that Mr. Georges and Mr. Sinclair were about to discharge you in last September

tember or October, but were prevented from doing so, during these investigations?—Not to my knowledge. Never heard a word about it. Mr. Sinclair never told me a word about it.

Witness requests permission to correct a mistake he made in giving his evidence on Saturday, as to a date (Questions 499, 500). It was on a Sunday, 22nd, Anderson was flogged, not Saturday, the 21st.

515. Have you seen Anderson or Manning since you gave your evidence on Saturday before this Court?—I never see Manning. I did see Anderson, but have no conversation with him. The reason I remember the date, I have it in my pocket-book. I went on the same day, Sunday, to Mr. Sinclair, at Golden Grove, to get some money, and by making a mistake here about the day, I look in my pocket-book and see the date.

516. Are you sure, now, that Anderson was flogged on the Saturday evening, and not on the Sunday?—I said on the Sunday.

517. How do you know yourself that Anderson was flogged on the Sunday, when you swore that you only heard of the flogging?—On the Sunday, when I went to Golden Grove, I heard of it.

518. What time did you get to Golden Grove on the Sunday?—In the evening, about four o'clock. I had no watch.

519. *By Prosecutor.*] You have said, in cross-examination, that since giving your evidence at Up Park Camp, you have seen Manning and Anderson in Kingston; have you had any conversation with either of them on the subject of this prosecution?—Not on this prosecution. On our private business, but not on this.

520. What sort of colour men are Mr. Georges and Mr. Sinclair?—White men.

521. And were they your employers at the time you are charged with having said something about white men?—They were my employers up to this present moment.

522. *By Court.*] What made you take the prisoners to the Iron Bridge, on Saturday, to be flogged?—We were going to Golden Grove, but when we get near the Iron Bridge we saw the soldiers there, and the constables say it is shorter, so we take them to the bridge. We were going to take them to Golden Grove, because the Kingston troop arrived there that day.

523. At what time, and by what means, did you hear that the Kingston troop arrive that day at Golden Grove?—While I was at Duckenfield, several people pass by and said that plenty of volunteers arrive at Golden Grove, were stationed there; that is how I know it; and that Mr. Sinclair was there, too. It was about mid-day, about 12 o'clock, but I have no watch to know the very particular hour.

524. How long was that before you set out with the prisoners, and how far is Duckenfield from the Iron Bridge?—I think it was about the same time I set out with the prisoners. About a half-a-mile from Duckenfield to Iron Bridge. I never measure the distance from Duckenfield to Golden Grove, and I never time how long I take to walk it; I cannot guess it.

525. Do you pass the Post-office when going from Duckenfield to Golden Grove?—Unless you have occasion to go to the Post-office you do not pass it. The turn of the road is about four chains from the Post-office.

526. From that turn of the road how far is it to Golden Grove?—I can't say. I never measure it.

527. You have said that you were sitting on horseback opposite the shop, in the middle of the road, on Saturday, the 21st, when the shooting took place; describe exactly how much you saw from that position both of the soldiers and of the prisoners?—I could see the back of the soldiers while they were standing in the road, and when they go to the fence, where they were tied, I could only see the head and shoulder of the prisoners; the logwood hedge prevent you from seeing the bottom part of them, only head and shoulder. The time I saw the soldiers' backs they were in the middle of the road, at the same spot where the rail is, where they shoot the men, and those were the men who fired. Their backs were not turned to me, but to the river side. I saw them when they raise their rifles.

528. You have said that one was tied and then shot, and then the next tied and shot; could you see where the other two prisoners were when the first was being shot?—Standing at the road, too, with the soldiers. The soldiers have them in charge.

529. How many soldiers fired altogether; how many fired each time?—I heard four volleys, and Dr. Morris fired the last volley. Three soldiers fired singly; one soldier fired at one prisoner.

530. About what time of the day did you see the bodies, on Sunday morning, at the bamboo rail?—About eight o'clock, but I have no watch.

531. What road did you take after seeing the bodies on that Sunday morning?—Right up to Duckenfield, and I was coming from Golden Grove, and knowing the men were shoot there, I went up to look at them.

532. Were the volunteers in Golden Grove when you left that place on that Sunday morning?—Yes; I left them there.

533. When did you first mention this matter to anyone besides those who saw it?—I cannot remember the first person, but I know I mention it to Mr. Sinclair on the Sunday, the 22nd, and to Mr. M'Dermott, when he returned to the estate. I know I told Mr. Sinclair, because that same day an old watchman was taken up and flogged for stealing things, and that makes me remember I told Mr. Sinclair that the three men were taken up for stealing and shot.

534. How do you know the name of Corporal Beckett?—I was in company with him when the soldiers had been in Plantain Garden River district, and were going on board the "Wolverine." That was Saturday, 14th October. I met them over the river, near a place called Bachelor's Hall. They had been to Bath, and were coming back with Mrs. Shortridge and several ladies.

535. Do you know at which man Dr. Morris fired, first, second, or third tied up, and could you tell, from where you were, whether he had been hit or missed altogether by the soldier who fired at him previously?—I cannot tell.

[The Witness withdraws.

Sixteenth Witness for Prosecution.

LEWIS BLYTH HOLE, Captain 2nd Battalion 6th Regiment, being duly sworn, is questioned by the Prosecutor.

L. B. Hole.
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536. *By Prosecutor.*] DID you, in pursuance of orders, send a detachment of soldiers from Manchioneal to any other place, and if so, when and where to, and under whose command, and by what other officer, staff or otherwise, attended?—I sent various parties out on my own order, and in pursuance of orders received. On the day of my arrival, the 16th October, 1865, I sent out a party of 1 sergeant, 12 men, and Dr. Morris accompanied the party. They proceeded to Betty's Hope. On the 17th or 18th I also detached a party. I am inclined to believe it must have been the latter date, as I think on the 17th I gave the men a rest, as they were knocked up, and some had no boots. I have given that date because I went out myself on the 19th, owing to the party which I had previously sent out under Ensign Cullen having failed to reach the place I had ordered them to. I have no memoranda of these dates, but I recollect the 19th, as, on my return that day, I myself received a memorandum from Brigadier General Nelson.

537. Who accompanied the party sent out, as you say, you believe on the 18th of October; that is, what officers?—Ensign Cullen and Dr. Morris were the officers.

538. Where did you send them from, and about how many soldiers, black and white, as near as you can remember?—I sent them from Muirton, and to the best of my belief there were about 50 soldiers of the 1st West India Regiment.

539. Look at the paper writing now produced to you, and say if it is in your hand-writing?—The front part is my writing. I know nothing about that on the back. (*Paper marked* C.)

540. Do you remember when, and to whom, you gave that paper?—I have no recollection whatever about it; I merely recognise my handwriting; and I suppose I gave it to the man whose name it bears; I dare say I had to sign my name sometimes as often as 200 times a day, granting protection to their houses, and passes to proceed to provision grounds, from one spot to another.

541. Did you send a detachment, according to orders or letter, received about or shortly after, the time you have already spoken of, to any other place?—In conformity with orders received from Brigadier General Nelson, I sent a detachment to the Post-office in the Plantain Garden River district on, I believe, the 21st October 1865. This party was under command of Ensign Cullen, Staff Assistant Surgeon Morris, in medical charge. The party was ordered to consist of 50 men; and it proceeded from Muirton, Manchioneal, my head quarters.

542. Was the order received in writing?—Yes.

543. Have you the original, or where is it?—I have not the original; I believe it was attached to the proceedings of the court martial held on Ensign Cullen; at least, I handed it into the Court.

544. Have you a copy of it?—Yes; a true copy, verified by Captain MacLean of the Rifle Brigade.

545. Did you send the party off in pursuance of, and according to that order, and on what day, and at what hour did you despatch it?—I did send a party off in accordance with the order, on the 21st October 1865, at about 5 a.m.; the hour named by Brigadier General Nelson.

546. What order did you give the officer in command?—I gave him no orders, but acquainted him with the instructions contained in the Brigadier General's order, that he should report himself to the officer he would find at the Post-office, and this officer would be in possession of the brigadier's orders, to be carried out by the troops combined.

The Prisoner informs the Court that it is his intention to call Captain Hole as a witness for the defence; and, therefore, requests that he may defer his cross-examination.

The President replies, that this course is optional with the Prisoner.

[The Witness withdraws.

Seventeenth Witness for Prosecution.

CECILIA ROBINSON, residing at Dalvey, being duly sworn, is questioned by the Prosecutor.

C. Robinson.

547. *By Prosecutor.*] Do you know the Plantain Garden River Post-office; who is the postmaster there now, and who was during martial law?—Yes, I know it; Mr. Manning was and is now the Postmaster.

548. Whose service were you in during martial law; and as what?—Mr. Manning's, as cook.

549. Do you remember any soldiers coming to the Post-office? if so, state as near as you can, what time?—I remember in October last, a Saturday, the soldiers come down to the Post-office.

550. Has any Christmas passed since?—No; no Christmas.

551. How many months ago do you think it is?—It is over twelve months.

552. Where did you see the soldiers come from; what officers were with them?—They come down from Manchioneal; Dr. Morris and Ensign Cullen were the officers.

553. Did you see any prisoners brought to the Post-office while the soldiers were there?—Yes, I saw three of them; one was Richard Walton, one was John M'Call, and one was Tommy Miles.

554. Who brought these prisoners to the Post-office?—I did not see who brought them, but when I come round from the kitchen, I saw them tied.

555. What did you see them tied to?—Tied to the post; there is a shed outside, and it has posts; I cannot say which of the posts it was.

556. Did you see any constable there whose name you know?—No, I did not see the constable, but I saw the book-keeper, Bryan.

557. Did you hear what the prisoners had done; what they were brought to the Post-office for?—I hear them steal nails at Duckenfield.

558. Where was Dr. Morris when the prisoners were brought to the Post-office; that is, when he came, where did he go to?—He was inside the

the Post-office, on the table; in the apartment where Mr. Manning dine, he was.

559. Did you take anything to Dr. Morris while he was in the room, where you say he was on a table?—Yes; him ask for a cup of tea, and I went and give it him.

560. After that, did you see him anywhere out of that room?—After that he drink the tea, he went outside with Mr. Cullen.

561. Did you see what was done to the prisoners when Dr. Morris was outside?—Yes; I saw one of the soldiers loose the three prisoners, and go down the road; the soldiers, Mr. Cullen, and Dr. Morris, and I went to the kitchen.

562. In what direction down the road did they go; that is the road leading to what place?—The road lead on to Holland Bay.

563. Had they stopped walking down the road when you went into the kitchen?—When I went to the kitchen, I saw them stop on the road.

564. Did you hear anything after you got into the kitchen?—When I hear the gun fire, I come out of the kitchen.

565. Did you see the three prisoners when you come out of the kitchen?—No, I did not.

566. Did you see them at all that day afterwards?—No, I did not see them at all.

567. Did you see them at any time after that day; if so tell when and where?—I never see them at all.

568. Where did you go the next day?—I was at the shop, cooking.

569. Did you walk out that day (Sunday) at any time?—Yes, I walked down the road.

570. Which road, and what did you see?—When I go down Holland Bay-road, not very far from the bridge, I saw the three men who was shot, Richard Walton, Tommy Miles, and John M'Call.

571. Were they alive or dead?—They were dead.

572. How did you see them, and where, in what position?—I saw the three of them tied, separate to the front, and Richard Walton bent down this way (*stooping forward*), I saw nothing more, only the brains mashed up, the head mashed up of Richard Walton.

573. What do you say the three men were tied to?—They were tied to bamboo fence, fence against the logwood.

574. What time of day do you think it was on Sunday when you walked down and saw the three men dead?—About nine or ten o'clock, morning.

575. Did you see any people come after you walked down and came back; if so, tell who and what you saw done by them?—I saw some people come from Amity Hall and bury them, I do not know them. I know them, but not their names.

576. How do you know they buried the bodies; did you see them buried; or what did you see to make you say so?—I did not see them buried, but I saw them digging the grave.

577. Are you now in Mr. Manning's service?—No.

578. Do you know Dr. Morris by sight?—Yes.

579. Stand up, and if you see him in this room point him out?—

Witness identifies Assistant Surgeon Morris.

580. *By Prisoner.*] Were you ever brought before Ensign Cullen, at Manchioneal, and charged with having stolen a soldier's havresack and money?—I was before Mr. Cullen, and a man said I had taken 2 *l.*; but I never take it.

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581. Are you the same person who gave evidence before the court-martial at camp?—Yes.

582. Did you not swear before the court-martial, at camp, as follows, or to that effect, "It is a spite that Dr. Morris and Ensign Cullen have against me"?—I don't remember I say so.

583. Did you not swear before that court, as follows: "I am not positive if it is three graves or one"?—I recollect I say, "I don't know if they buried in different graves."

584. Did you not also swear before that same court, "I did not see when they fired, I went into the kitchen"?—I don't remember.

585. Did you not also swear before the same court-martial as follows: "Where I was, I could not see, I could not see the place; I heard the gun fire, but I did not see the place"?—Yes, I said so, because I can't see when I stand in the kitchen.

586. When you were last examined at that same court-martial, did you undertake to swear at all that you saw any dead bodies at all on the Sunday morning?—I don't remember.

587. Did you swear before that same court-martial at all that you went down to the Holland Bay on the Sunday morning; not very far, and saw the three men tied, and they were dead?—I stated that I saw them dead and tied to the fence.

588. Did you not then only swear that on Sunday morning you stood in the shop and saw people digging the grave; was not that all?—I don't remember what I say before in camp; but I did go and see them before I saw the men dig the grave.

589. Could you hear the persons digging the graves the same Sunday morning from the post-office or shop?—No, I did not hear them; but I saw the persons digging (*and describes that she saw the raising of the hoes by lifting her hands up to her head and bringing them rapidly down again*).

590. Tell the Court exactly where you stood that Sunday morning when you say you saw persons digging the grave?—I was standing at the door nearest to the bridge.

591. Where were you when soldiers come; were you not in the back part of the kitchen, at the back of the shop, on Saturday?—I was in the kitchen, and I saw the soldiers coming, and I come round to the front of the shop.

592. Is not the kitchen at the back of the shop; at the back of that end of the shop which is towards Golden-grove?—Yes.

593. When Dr. Morris, as you say, drink the tea and went outside with Mr. Cullen, where did you go; did not you go into the kitchen and stop there?—I go to the kitchen and I stop in the kitchen till when I hear the gun fire I come out.

594. When did you leave Manning's service; were you not in his service when you gave your evidence before the court-martial at camp?—I was not in his service when I was before the Court in camp; I leave after Christmas, I think, but I do not recollect when.

595. Have you seen Manning anywhere since you gave your evidence at the court-martial up at camp?—I never see him until last Monday.

596. *By Prosecutor.*] Did this man you speak of, as having charged you with stealing, take anything from you belonging either to yourself or any other person?—He take nothing from me, but

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but he rob Mr. Manning's clothes in my presence in the shop.

597. Did you see those clothes anywhere when that man was not present, and what did you do?—I saw the clothes in the cart, and I took the bag out; the cart was the soldiers' cart going to Manchioneal on a Tuesday; and on Wednesday the man, a soldier, came and took me to Manchioneal, and say I had no business to take the bag, and say I take his 2 *l.*; but I did not take any money; when I got to Muirton, the soldier say he know I would not take his money, only I must show him the man, another soldier, I gave his clothes to when I take away Mr. Manning's clothes out of the bag.

598. And when you were taken before Ensign Cullen, what was proved as to the 2 *l.* which the man said he had and you took?—They have no proof; and Ensign Cullen, after he asked questions, told me to stand a one side; and they kept me for a time, and then tell me "Go," for I not take the money.

599. Can you, standing at the door of the kitchen, see anything or person coming from Amity Hall side towards the Post-office?—If you stand at the door of the kitchen you can't see anybody coming down from Amity Hall till they come upon the bridge.

600. Where did you see Manning last Monday; and did you have any conversation with him about this prosecution?—I saw him at his Post-office; but I have no conversation about this; he only ask if I going to town, and I say, "Yes."

601. *By Court.*] How near did you go to the three dead bodies, on the Sunday morning?—Near enough; about from where I sit to that wall (*about* 12 *paces*).

602. You said you heard guns fired; can you tell how many times you heard guns go off; and can you tell from the noise, how many guns were fired together; one or more together?—I do not remember how many times; I think there were about two together, and one after; they went off with a great noise.

603. Can you tell how long the soldiers had been at the Post-office before you gave Dr. Morris the tea, as you say?—I can't say.

604. Is the kitchen separate from the Post-office; and if so, how far from the Post-office; is it on the bank of the river?—It is separate from the Post-office; about as far as from here to the yard there; yes, it is aside of the river.

605. After the men were shot, when did you first go and see their dead bodies?—On the Sunday.

[The Witness withdraws.

Fifteenth Witness for Prosecution, recalled.

SAMUEL BRYAN, is recalled by the Court; and questioned on his former oath.

S. Bryan.

606. *By Court.*] WHEN you went back on Sunday morning, did you examine the wounds of the men; if you did, describe them to the Court?—I just ride my horse up to the fence and look at them; I see one of them particularly, with his brains hanging out, and the others all bloody over their clothes; I did not get off my horse; I did not see anything more; same as I say in Up Park Camp; but just turn my horse's head and walk off; I do not know which of the men had his brains running down; I did not see more than I have said.

[The Witness withdraws.

Eighteenth Witness for Prosecution.

ABRAHAM GEORGE DONALDSON, Servant to Mr. Manning at the Plantain Garden River Post-office, being duly sworn, is questioned by the Prosecutor.

A. G. Donaldson.

607. *By Prosecutor.*] CAN you read and write?—Yes.

608. Where did you live during martial law, and what was your occupation at that time?—I was with Mr. Manning at that time as servant.

609. Do you remember soldiers coming to the Plantain Garden River Post-office; if so state?—Soldiers came 21st October 1865, from Manchioneal; they were black soldiers, and a few of them were white.

610. Do you know what officers came with these soldiers?—Ensign Cullen and Dr. Morris; I don't know if any other were officers.

611. Were any prisoners brought to the Post office on that same day, 21st October 1865?—Yes, four; one got away; three came to the Post-office.

612. What was done with the prisoners when they arrived at the Post-office?—Ensign Cullen order them to flog, and the soldiers apply to Mr. Manning for twine; in the meantime, they preparing the cat, Dr. Morris came out, order them to be shot.

613. Before the prisoners were ordered to be flogged, where were they, and how were they?—They were tied to the post of the shop door; the post of the piazza.

614. Do you know what soldier asked for twine, and was it given?—A black soldier; I do not know his name; the twine was given.

615. Where was Dr. Morris when the prisoners first came; did you see him outside?—He was lying on the table in the hall; I saw him outside.

616. When did he come outside?—When the prisoners came.

617. Did you see him and Mr. Cullen together at all?—Yes.

618. What was done with the prisoners after that?—The soldiers take the prisoners to the bamboo fence, and they tie there; the bamboo fence to the grass piece.

619. What grass piece do you mean, and how far is it from the Post-office?—The grass piece of Duckenfield; from the Post-office to the grass piece is about 80 yards.

620. Which part of the grass piece do you mean is 80 yards from the Post-office?—The part opposite the growing bamboos.

621. You say the soldiers took the prisoners down

down the road; who went with the soldiers down the road?—Dr. Morris; Ensign Cullen went but a part of the way.

622. Down what road did the soldiers take the prisoners; where does the road lead to?—To Holland Bay.

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It being now 4 p.m., the Court adjourns till 10 a.m. to-morrow, the 18th instant.

Seventh Day, 18th December 1866.

On Tuesday, 18th December 1866, at 10 a.m., the Court reassembles pursuant to Adjournment. Present, the same Members as yesterday; and proceeds with the Examination in Chief of Abraham George Donaldson.

623. *By Prosecutor.*] You have said that the prisoners were tied to a bamboo fence of the Duckenfield grass piece; how far is that bamboo fence from the Post-office?—About 80 yards.

624. Did you see anything done to the prisoners after they reached that bamboo fence; speak only of what you saw yourself?—They were shot by the soldiers.

625. Where were you when they were shot?—I was there, where the men were shot.

626. Did you go quite down to the bamboo fence?—Yes.

627. Who was present at the bamboo fence when the prisoners were shot?—Dr. Morris was there, and several of the soldiers.

628. Did you see Dr. Morris do anything?—I know that when a man was shot, Dr. Morris took a rifle and shot the man himself; the man was not quite dead; I saw Dr. Morris do this.

629. How many shots were fired, as far as you remember?—Four.

630. What became of the bodies of those three prisoners; speak only of what you saw yourself?—They were buried on the 22nd of October.

631. Did you go down to the place where they were buried, or do you know it from any other, and what circumstance?—I did not see them buried, as I was at the Post-office; but I went down and saw where they were buried.

632. Where did you go to and see the place where they were buried, and when did you go?—Go to the Dunkenfield grass piece; I went several days after.

633. Describe the part of the grass piece as near as you can where they were buried?—Very near enough to the fence where they were tied to.

634. Did you see any bodies dug up, and if so, say when, as near as you can remember?—Yes; I saw three bodies dug up September 1866.

635. Who was present when the bodies were dug up?—A Royal Engineer was there, and a doctor; and the men that buried them; if any more was there, I do not remember them.

636. Did you see anybody come to the Post-office on the Sunday morning?—Several volunteers passed by, and other men passed by.

637. Tell the names of the other men, or such of them as you know?—I know Zachariah Bailey, John Bright, David Thomas, and several others; I do not know their names.

638. Where were the bodies you saw dug up taken from?—From the same hole where they were buried.

639. What do you mean by saying the same hole where they were buried, when you did not see them buried; explain this?—I saw the grave in Duckenfield grass piece, and I saw the bodies taken out of this grave.

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640. *By Prisoner.*] Are you the same Abraham George Donaldson who was examined at Up Park Camp?—The very same.

641. Did you not swear before the court martial at Up Park Camp as follows: "I went part of the way, but not as near as Dr. Morris?"—Yes; I recollect saying that.

642. What then do you mean by swearing here to-day that you were at the bamboo rail when the men were shot as you say by soldiers; which statement is true; which is untrue?—I did not positively say that I went near to the bamboo fence.

643. You swore just now that you only stood at the Post-office on the Sunday morning, and not at the place where any persons were being buried; how do you know then of your own knowledge that the hole out of which some bones were taken in September 1866, was the same hole in which some bodies were buried in October 1865, which you did not see at the same time?—I went and saw the grave several days after; and it was out of this very same grave the bones were taken.

644. Show the Court how far you think the front door of the kitchen is from the back part of the shop?—It is about the length of this room.

645. Is there any other room at the kitchen but the room used for the kitchen?—There is another room besides the kitchen; under the one roof.

646. Is there any other room in the shop or Post-office, but that part in which the shop is kept and a little room at the end towards the Iron Bridge?—There is a dwelling apartment besides the shop; there is the shop, the bed-room, and the hall; three altogether.

647. Do you really mean that there are more than two separate and distinct rooms under that building in which Manning lives and keeps his shop, and the Post-office, excluding the shed?—I do not understand.

648. How long had you been living at this shop or Post-office up to martial law time, and since to this time?—About 10 months before martial law, and about 24 months since.

649. Suppose you are in the shop part of the building, and want to come out of it and go into the next part of the same building under the same roof, what do you enter immediately first; you are not asked at all about the shed?—You pass through the door under the same one roof.

650. As you pass through the door, what is the room called that you enter?—The hall.

 651. Having

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651. Having left the shop part of the building, and entered the hall, can you go into any other separate and distinct room besides?—Leaving the hall, you can go into the bed-room.

652. Where was Dr. Morris when you first saw him that day under that building?—In the hall, lying on a table.

653. Did he go into the little room you call the bed-room; to the best of your knowledge?—If he went there I don't see him.

654. Where were you while you say, Dr. Morris was in the hall?—I was in the shop.

655. How long did you remain in the shop while Dr. Morris was in the hall; tell about the time?—I can't say how long; but I know I was there.

656. Did you remain in the shop the whole time that Dr. Morris was in the hall; and could you then see him all the time?—Where I was I could not see him all the time, but I went into the hall and saw him.

657. Has the room you call the hall any door opening on the shed out to the street, from that hall?—Yes.

658. Has the bed-room a door opening on the shed towards the street?—Yes.

659. You say, Dr. Morris was lying on the table in the hall; was his head tied?—I do not know if his head was tied.

660. Had he anything on his head when lying on the table; you say you went in the hall and saw him?—He was lying on a pillow on the table, but I don't know if he had anything bound on his head.

661. Who gave him the pillow, and where was it got from?—He must have got it from Mr. Manning, because I did not give it to him; he must have got it from the bed-room.

662. Did you bathe his head, or did anyone do so for him?—I did not; if anybody did so, I don't know.

663. How long did you remain in the hall with Dr. Morris, and why did you go there?—I did not go to attend him; I just went for something and then turn back.

664. You saw him lying on the pillow; was he asleep, or did he look sick or in pain; why was he lying on the pillow?—I do not know whether he was sleeping or not; I don't know if he look sick or not; I heard from the soldiers he was sick, but I don't know.

665. Do you not know that Florida water, or some lotion, was got for Dr. Morris out of the shop because he was sick?—Yes, it was Florida water; the soldiers say he was sick.

666. Did you not get the Florida water yourself out of the shop by Manning's order?—No; it was not me got it.

667. Did the soldiers say Dr. Morris was sick at the same time when they came in from Amity Hall, and at the same time as they came to the Post-office?—I don't know, but I heard it from the soldiers.

668. Did not Dr. Morris go into the hall and lie down as soon as he and all the soldiers came to the Post-office?—I don't know when he went there, as I was in the shop.

669. Did Dr. Morris go from the shop into the hall and then lie down; you were in the shop, you say?—If he go from the shop into the hall I don't remember.

670. Did you see him when he was going into the hall?—I don't remember seeing him going into the hall; but I know I saw him lying on the table.

671. Did you see when the soldiers first came in with the officers and doctor?—I saw the soldiers when they came in; I can't say whether the officer and doctor were with them; at that time I did not know the officer from the doctor.

672. You say you saw the soldiers when they come in; was it then that they told you that Dr. Morris was sick; you were in the shop?—It was not as they came into the door they say he was sick.

673. You say it was not as they came in they said he was sick; was it shortly afterwards, or about the same time, or a little after, or when, if you know anything about it; you were then in the shop, you know?—If they said so when they came into the shop I did not hear; but I know the soldiers say so, same day; but I don't recollect the time.

674. Had Dr. Morris gone to lie down before or after the Florida water was got, or the pillow was got; or before or after the soldiers told you he was sick?—He lie down first, before Florida water was given; I don't know what time the pillow was got; they don't tell me; but I heard the soldiers tell he was sick when he was lying down.

675. As soon as the white officers with the soldiers came up to the Post-office, did they come into the shop where you were; you were there?—They passed through the door into the hall.

676. You say they passed through the door into the hall; is that the door from the shop part of the building into the hall part of the building?—Yes.

677. About how long was it from the time when you saw the white officers go into the hall through the door you spoke of till the time you saw Dr. Morris come out of the hall and leave the pillow; state to the best of your belief; you have stated you were in the shop?—I do not understand the question at all; I was in the shop.

678. How long was it from the time when the white officers first come through the shop into that hall on their arrival at the shop till the time when Dr. Morris left the room?—I do not know how long.

679. At the court martial held at camp, re-referring to your evidence given to the Royal Commissioners, were you not asked, "Have you seen the graves since?" and did you not answer "No;" and before the court martial you said "Yes, I made that answer;" were you not asked that question, and did you give that answer before the Royal Commissioners and at Up Park Camp?—Perhaps I might; I do not remember.

680. *By Prosecutor.*] You have said they passed through the door into the hall; did the soldiers go into the hall, that is the common or private soldiers?—Yes, some soldiers went along with them too.

681. How many doors has the bed-room?—One door to go through the back yard and another to go through the hall; no other door.

682. You said you were living at Manning's about 10 months before martial law and 24 months since martial law, up till now; tell the Court when martial law was, and count up, loud enough for the Court to hear, how many months it is from that time to this?—Last October. (*Witness counts up from October of one year to December*

December of the following year, making 15 *months.*)

683. What was last October; you were asked to tell the Court when martial law was; do so?—Last October was 1865; martial law was last October 1865.

684. *By Court.*] Can you tell about what time in the morning of the 22nd, Sunday, did the volunteers pass by, and about what time did the other men you mention pass by?—Volunteers passed early, about after seven in the morning; the other men pass long after volunteers pass; long after seven; I do not know the hour, nor how long after.

685. You say you were down at the bamboo rail when the men were shot; describe minutely how they were tied and shot; who gave the order to the soldiers to fire?—Who gave the order I don't know, or if any order was given I don't hear; their backs were tied to the fence and the faces opposite the soldiers; they were all tied to the fence same time, before any one was shot; four times they fired, one gun at a time.

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686. After Dr. Morris took the rifle from another man, as you have stated, what did you see him first do with it?—When he took the rifle from the other man he discharge it upon the prisoner.

687. You have said that there were four shots fired at the prisoners, and that Dr. Morris fired one; which was it that he fired?—The fourth.

688. How many days after the Sunday was it when you visited the grave, and what did it look like?—I can't say how many days, but I know I went; it look like a grave, a new hole, a kind of place where men buried.

689. Can you tell how long after the soldiers arrived at the Post-office, on the Saturday, were the three prisoners brought there?—I can't say what hour of the day; I can't say how long after the soldiers came in.

[The Witness withdraws.

Nineteenth Witness for Prosecution.

THOMAS CLARKE, Labourer, residing at Holland Bay, being duly sworn, is questioned by the Prosecutor.

690. *By Prosecutor.*] Do you remember the time of the martial law?—Yes.

691. Did you go to the Iron Bridge during the martial law time?—Yes.

692. What did you see when you were there?—I went there a Saturday day, and three prisoner come; the soldiers take them and tie to the post by Mr. Manning's shop, and they were going to shot them, and Mr. Manning order them off, not to shot there, and then when they loose them one of the white soldiers carry them to the logwood corner; and after they carry them I stand up in the road, and they (the soldiers) shoot them in the logwood corner (Richard McCall); and after they tie them they shot them; I do not know the names of the other two that them shot; they were black men.

693. Do you know the name of the white soldier you speak of?—No.

694. Is there any kind of fence at the place you call the logwood corner?—Yes; there is a bamboo fence.

695. Do you know the names of any of the soldiers you saw that day at that place?—No more than Corporal Hunter.

696. How did you know Corporal Hunter?—He belongs to Holland.

697. Did you ever see him at Holland before the day you see him at the Iron Bridge?—No, I never saw him at Holland before.

698. Did you see anybody do anything to any of the prisoners when they were tied to the post at Mr. Manning's shop?—No.

699. When the prisoners went down to the logwood corner, what did you see done to them?—I stand up in the road; and after they tie them, the soldiers fall out on the road, and shoot them; they shoot them all together, because the guns go off together.

700. Did they tie them all one time; all the same time, or how did they tie them?—They carry the three of them together, and tie them up.

701. Did you know the name of any of the people who brought the prisoners to the Iron Bridge?—Yes; I know Colson and Bryan.

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702. Did you see any officers with the soldiers; if so, tell the names?—I see two white buckras, but I don't know officer from soldier. I don't know their names.

703. Did you hear what the soldiers called them, or any of them?—No.

704. Did you go to Golden Grove that day; if so, what for?—I went there to carry soup for one of the buckras.

705. Who sent you; and what buckra was the soup for?—Mr. Manning sent me; but I don't know which one I carry soup for.

706. When you came back from Golden Grove, where did you go to that same day; what road did you walk?—I go to Holland Bay. I walk same road where the men were shot.

707. What did you see when you were going back to Holland Bay, after you passed the shop?—I see the three dead bodies on the bamboo fence.

708. *By Prisoner.*] Are you the same witness who gave evidence at Up Park Camp before the court martial?—Yes.

709. Did you then swear as follows: "When they carried them to bamboo corner, I did not see full what they do with them from where I stood on the road?"—Yes.

710. Did you not then also swear when they carried them to the logwood corner, "I did not see what the soldiers were doing; they had them at the bamboo?"—Yes.

711. Did you also swear then, "I cannot tell the year or month when this happen; I really cannot well say if it was before last Christmas?"—Yes.

712. Did you, when you were examined at camp, swear to the name of Bryan or Colson at all; think well before you answer?—Yes, I did.

713. Were you examined as a witness on oath at Up Park Camp, or at these barracks, when you gave your evidence before a court martial about these matters?—It was here I kiss the book.

714. Did you, when you kissed the book and took your oath in these barracks, before these

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same gentlemen, mention the name of Corporal Hunter at all?—No; I did not mention Corporal Hunter's name.

715. Did you mention the names of Bryan or Colson at all, when you kissed the book before these gentlemen, in these barracks in this room, and before you gave your evidence to-day?—Yes; I mentioned their names.

716. About what time of that same day, did you go to Golden Grove with soup, and how long did you stay there?—I do not know what time. I did not stop; when I gave the soup, I turned right back.

717. Have you just now, before you came up here, been down with Manning, Anderson and other persons, witnesses, at the bottom of the steps down below in these barracks?—Yes; Manning, and Anderson, and Eliza Phillips were there. I forget the names of the rest.

[The Witness withdraws.

Twentieth Witness for Prosecution.

ALFRED BROOKS, Planter in St. Thomas-in-the East, being duly sworn, is questioned by the Prosecutor.

A. Brooks.

718. *By Prosecutor.*] DID you do duty as a volunteer during martial law; if so, state in what parish, and in whose troop?—I did duty as a volunteer in Mr. Ford's Irregular Troop; in St. Thomas-in-the-East.

719. Do you remember going from Morant Bay to Golden Grove Estate on duty as a volunteer; if so, state when, and the persons by whom you were accompanied?—Yes, I went from Morant Bay to Golden Grove. I joined Mr. Ford's troop at Morant Bay on 20th October, and marched on the 21st; there were 30 in number of Ford's Irregular Troop; 29 besides myself

720. Were you accompanied by other force or troops?—I was accompanied by Captain Astwood's troop, and about 20 of the 6th Royals, under Lieutenant Adcock.

721. At what hour of the day, as near as you can remember, did the detachment of which you were one, that is regular soldiers, volunteers, &c., arrive at Golden Grove?—About 2 p.m.

722. Did you go anywhere on duty the next day; if so, state to what place?—I went on duty to Holland Bay for a special constable to arrest prisoners at Holland Estate, rebels; on the morning of the 22nd October, on a Sunday.

723. Where did you go from; and at what hour, as near as you can guess, did you start?—From Golden Grove Estate, between 7 and 8 o'clock a.m.

724. Did anybody leave Golden Grove that morning, and who and when; that is, was it before or after you left?—Part of the 6th Royals, Captain Astwood's troop and a few of Ford's Irregulars, left that morning before I left.

725. Did you on your way to Holland Bay observe anything in the road?—Yes, I did. I saw three men tied to the bamboo fence round Duckenfield grass piece, about thirty yards from Manning's shop; they were dead, apparently dead. I made close observations, and found that one of the men on the left side of the head, the brains were protruding from it, and the second man to him had a leathern belt round his waist. I did not see where the other two men besides the one that had the wound in his head, were wounded; they were covered all over with blood; I noticed three or four fowls picking up something by the side of them; but can't say what it was.

726. Did you know the name of any of these men?—I knew one of them, because he often laboured at Amity Hall Estate when I was there; his name was Richard Walton, the tallest of the three men.

727. Were these three men dead or alive when you saw them that morning going to Holland Bay?—They were dead.

728. Did you go on to Holland Bay, and did you get the constable there; state his name, and state where you next went to?—I did go to Holland Bay, and got the constable there, Robert Speed, and from there took him with a prisoner to Holland Estate, and there arrested about 30 prisoners.

729. Did you get the aid of any other constables; if so, state the names of such as you remember?—I pressed two other constables in the Queen's name, Thomas Brown and Bevis Hunter; there were two other constables on Holland Estate, but they had gone in search of rebels, and I was obliged to press these two men aforesaid.

730. When you got the prisoners at Holland Estate, where did you go to?—I marched them on the north side of the river, from Holland Estate to the Iron Bridge, and from there I took them to the Holland Bay-road, and showed the prisoners the three men that were tied dead to the fence, and told some of the prisoners that that would be some of their fates. And after they had taken a view of these bodies, I returned with them on the road to Golden Grove, and when they got to Mr. Manning's shop, they begged for a drink of water, but I would not allow them to halt; but after examining them, I really found they were faint and thirsty, or at the sight of the bodies, I don't know which; and I ordered the constables, the three aforenamed constables, to get them some water from Manning's shop, as I saw they were really in want of it.

731. Where did you take the prisoners to, and to whom did you deliver them?—I took them to Golden Grove Estate head quarters, and I delivered them to the Commanding Officer, Lieutenant Adcock, and Mr. Ford.

732. About what time of day do you think you passed the Iron Bridge on your return with the prisoners?—About 10 a.m.

733. Did you know before you left Golden Grove that morning, the route that the party which left before you were to take?—Yes; I was told they were going through Amity Hall Estate to Wheelerfield, and from there to Plantain Garden River, and back to Golden Grove.

734. In whose employment were you at the time you have been speaking of, and in what capacity?—In Mr. Shortridge's employment, Golden Grove Estate, as field book-keeper.

735. Do you know the parish and county in which all you have stated happened?—In the parish

parish of St. Thomas-in-the-East; I really cannot say the county.

736. You have not said what year all this occurred in, will you do so?—In 1865.

737. Did you pass that way any time after, that is, the bamboo fence you have spoken of?—Yes, I passed there on Tuesday, 24th of October 1865.

738. Did you see the bodies there then?—No, I did not see them.

739. Did you make any observations; if so, state what?—I did not see the three men on the Tuesday when I was passing to Holland Bay, but on the right-hand side of the road going down Holland Bay, in the Duckenfield Grass-piece, near the road, I saw some fresh earth turned up, just about three or four yards from where they were tied when dead.

740. *By Prisoner.*] Is this the first time you have given evidence on oath about these matters?—Yes, this is the first time.

741. You state that you were at Amity Hall, were you there as a bookkeeper. Why did you leave, and give the date of your leaving; you also stated that you were field bookkeeper at Golden Grove Estate. Why did you leave; and give the date of your leaving?—I was at Amity Hall as book-keeper; I left because I was pleased to leave. I left on 21st September 1865. I left Golden Grove Estate because I was sick; I cannot really say the date, but it was in October 1865. *A. Brooks.* 18 Dec. 1866.

742. At what date did you become book-keeper at Golden Grove?—On 1st October 1865.

743. Have you seen Manning or Anderson lately?—I have seen Manning yesterday going across Water-lane, but not to speak to. I saw Anderson to-day, coming from East Queen-street, as I was going along there. We had no conversation whatever.

744. Have you been reading the newspapers lately, any time during the last three months?—I am a subcriber to the "Colonial Standard." I have read it during the last three months.

745. When you returned to Golden Grove on the Sunday, about what hour was it; and how long did you remain there that day?—I got to Golden Grove with the prisoners and constables about 10.15. a.m. I remained there that day.

746. Who sent you, and in whose presence were you sent from Golden Grove, to arrest prisoners, specially?—I did not say specially. Mr. Ford sent me. I cannot say who else was present, as there were a good many standing about.

It being now 4 p.m., the Court adjourns till 10 a.m. To-morrow, the 19th instant.

Eighth Day, 19th December 1866.

On Wednesday the 19th December 1866, at 10 a.m., the Court re-assembles, pursuant to adjournment:—Present, the same Members as yesterday.

The prisoner, Staff Assistant Surgeon Morris, is absent, and the Deputy Judge Advocate hands in a "Return of officers on the sick Report," received in court immediately before 10 a.m., purporting to be signed by the officer commanding 3rd West India Regiment, to which corps Assistant Surgeon Morris is attached, and by which return it appears that he has been this day placed on the sick list on account of fever. The Deputy Judge Advocate calls attention to the fact that this return is not the medical certificate required on such an occasion, and does not state that danger might arise from the prisoner's attendance in court, as is usually required. 19 Dec. 1866.

This report is marked E., signed by the President, and attached to the Proceedings.

The Court therefore adjourns till further notice from the President, and the circumstance is reported to the Major General Commanding.

Ninth Day, 24th December 1866.

On Monday, the 24th December 1866, at 9 a.m., the Court re-assembles pursuant to the President's order:—Present, the whole of the Members; owing to the absence of the Prisoner, the Proceedings were delayed till 9.25 a.m.

With reference to the adjournment of the Court on the 19th instant, the Deputy Judge Advocate hands in two documents, received on the 19th instant, after the Court had adjourned, one a medical certificate respecting the inability of Staff Assistant Surgeon Morris to attend on the 19th instant owing to his suffering from fever, and the other a report that in the opinion of Staff Surgeon Dunlop, the prisoner would not be able to attend the court before the 24th instant.

These documents are read in court, marked respectively F. and G., signed as usual, and attached to the proceedings.

The Cross-examination of Alfred Brooks is then proceeded with.

747. *By Prisoner.*] Are you aware that Captain Adcock and Mr. Ford are not now in the island?—I am aware that Mr. Ford is not in the island, but I know nothing about where Captain Adcock may be. *A. Brooks.* 24 Dec. 1866.

748. Whereabouts on Holland Estate did you capture the prisoners you say you took on the Sunday morning; were they all together?—They were all together in the negro houses on Holland Estate.

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749. Were these negro houses scattered about; give an idea of the distance of these houses from each other, and from the main road?—They are not scattered about, they are all together. I cannot exactly say how far from the main road.

750. How many negro houses were there, do you think, to which you went?—I do not remember now.

751. How many persons at most did you take as prisoners in any one house; surely you can give some idea; is your memory so bad?—Some of the houses were occupied by two or three; as to my memory it is not very bad.

752. Can you give the names of the prisoners you took to Golden Grove?—I can give part, but not the whole of the names. Those I know are William Hall, James Theodore, James Bell, Allen Rose, Frank Cox, Samuel Walker, James Francis, and Richard Roden; those are all I know.

753. Did you see Mr. Sinclair at Golden Grove on the Sunday morning, or Mr. Chisholm about the time you say you took prisoners to Golden Grove?—I do not remember seeing them there, but I saw them the day before.

754. On your arrival at Golden Grove on the Sunday morning, what did you do with the prisoners as soon as you got there; and what afterwards became of you on that same day?—After taking the prisoners to Golden Grove, I delivered them to the commanding officer, and after that there were some of the 6th Royals going out foraging, and I went with them.

755. By the commanding officer, whom do you mean?—Lieutenant Adcock.

756. Do you know Mr. Lascelles; is he not your brother-in-law?—He is.

757. Did you ever tell this story to him before you were subpœned for this court; if so, when first did you do so?—I had no reason for telling him.

758. Have you not often seen him or communicated with him during or since martial law?—I have often seen and communicated with him after martial law.

759. Is not your sister, the wife of Mr. Lascelles, your nearest relative alive?—I have other sisters besides Mrs. Lascelles.

760. Are not your mother and father dead, and have you any brother in this island?—My mother and father are both dead; I have two brothers, but they are not in the island.

761. Who else was present besides the commanding officer, Lieutenant Adcock, when you say you delivered those prisoners at Golden Grove; try and recollect yourself; officers, or volunteers, or overseers, or book-keepers are intended?—I saw Mr. Ford, and Lieutenant Adcock, and a few of the volunteers (Ford's Irregulars, I mean); they were then catting prisoners; I was in a hurry to get along with the soldiers going foraging, and I did not take notice of any other person.

762. Were not the whole of Ford's Irregulars planters in St. Thomas-in-the-East, or nearly the whole of them?—Nearly the whole of them.

763. And cannot you now tell some of the names of these planters?—If I were to give their names they would object to being subpœned on account of their overseers not allowing them to leave their work, they being book-keepers: Frank M'Dermott, John Mais, David Ford, Michael Myers, Robert John Stewart, and John Lowe are all I can give.

764. In what parish are all these persons whose names you have just mentioned now resident?—In St. Thomas-in-the-East, to the best of my knowledge.

765. With what soldiers and officers did you go foraging; give such names as you can recollect?—I did not go along with any officers, only with soldiers. I do not know their names, but I saw two of them on Saturday last.

766. Are any of those planters' book-keepers now on Hordley, Amity Hall, Duckenfield, or Golden Grove; were any of them such at the time you say you delivered prisoners?—Some of them were then Golden Grove and Plantain Garden River book-keepers; there are some of them on Golden Grove now; I do not know about the other places.

767. Which of them was there, or is now a book-keeper on any estate, and on which estate (just mentioned in the former question); state the name and the estate?—John Lowe is now a book-keeper at Golden Grove Estate; Frank M'Dermott is one at Plantain Garden River Estate.

768. Have you or not been boasting in Kingston that it is better to be a witness for the prosecution, because you get a guinea a day whichever way the case goes?—No, I have not; I have never been doing so.

769. *By Prosecutor.*] You have said that Frank M'Dermott, John Mais, David Ford, Michael Myers, Robert J. Stewart, and John Lowe were of Ford's Irregulars; were they present when you delivered the prisoners to Lieutenant Adcock and Captain Ford, and did they see you do so?—They were present, but I cannot say whether they saw me or not, or whether they may have chosen not to see me.

770. Were you, when in St. Thomas-in-the-East, in the habit of visiting Mr. Manning or Mr. Anderson as a friend and companion, or in any respect at all?—No, I have never been. I have never seen Anderson until martial law.

771. You have given in the names of some of the prisoners you took up on the morning of the 22nd October 1865; can you tell where they are now?—I believe three of those whose names I gave were either hanged or shot, I do not know which; I think nearly the whole of the others will be found at Holland Estate.

772. *By Court.*] Did you report the fact of your having seen these three dead bodies to any one on your return to Golden Grove on Sunday 22nd October 1865; if so, to whom; if not, why not?—I did not report it; I thought they were prisoners who had been taken up, tried, and executed.

773. Did you observe how these men were tied to the bamboo rail?—They were standing, with their hands tied aback of them, and their heads dropping on their breasts.

774. You have stated that the brains of one of the men protruded from the left side of his head; can you tell which of the three that was?—That was Walton, the one I knew; the tallest of the three.

775. Did you notice if there was or was not any unpleasant smell from these bodies, or whether there were signs of decomposition beginning?—There was no smell.

776. About what hour on Sunday 22nd October 1865 did you deliver the 30 prisoners to Lieutenant Adcock and Mr. Henry Ford?—About 10. 15., a. m.

777. You have stated that a part of the 6th Royals, Captain Astwood's troop, and a few of Ford's Irregulars, left Golden Grove on Sunday morning

morning before you; do you know who was in command of the party?—No; I really cannot say.

778. Do you know at what time this party returned to Golden Grove?—I was not in Golden Grove, as I did not return till after they came in; they returned before I brought in the 30 prisoners.

779. You have said that you passed the Iron Bridge on Sunday, with prisoners, about 10 a. m.; did you see any persons standing about or on the roads near at that time?—No, I did not see any one.

780. Do you know if any notice or information as to your going to Golden Grove was sent on to Golden Grove before or during your march from Morant Bay, on Saturday 21st October 1865?—No; I do not know.

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[The Witness withdraws.

Twenty-first Witness for Prosecution.

JOHN DUANEY, Second Lighthouse Keeper at Morant Point, being duly sworn, is questioned by the Prosecutor.

781. *By Prosecutor.*] DID you go from the lighthouse in the direction of Golden Grove, at any time during martial law; if you did, state when and where you went?—On 21st Saturday, October 1865, I went from the lighthouse to Golden Grove.

782. Did you stop anywhere before you got to Golden Grove?—Yes, I call at the Post-office, at the Iron Bridge.

783. What did you see while you were at the Post-office at the Iron Bridge; tell the Court all you saw?—When I ride up, I saw Ensign Cullen sitting at Mr. Manning's door, and Doctor Morris lying down inside, and several soldiers under the shed; as I ride up, two soldiers came up to take away my horse; Ensign Cullen ordered them off; I alight and hitched my horse, and went into the shop; some time after I hear the alarm given by the soldiers, "Prisoner get away." Some soldiers went up, and some went down the road to see, but they did not overtake the one who got away. The soldiers met the three men, prisoners, and turned back to the shop with them; one of the prisoners' names was Richard Walton; I do not know the names of the others. Ensign Cullen went out and meet them in the road, and I look out, and as I know this one, Walton, I ask Ensign Cullen what these people do, and he said, taking a few nails, and I point to the man, Walton, and said, I am very sorry this man is into it, for he is very useful to us at the Lighthouse when we get an express message, he never refuse going; and I ask Ensign Cullen what he intend doing with them; and he said he would flog them; I said, very well, they deserve it, for they have no right to interfere with what do not belong to them. Ensign Cullen went into the shop, and I went with him, and he asked Mr. Manning for twine to make a cat, and the twine was given him, and Ensign Cullen went out and Dr. Morris went also. While the cat was preparing, black soldiers making the cat, the two of them, Dr. Morris and Ensign Cullen went talking, and a little while after the soldiers threw away the cat; Hunter was one, and loosed the prisoners, and while Hunter was loosing the prisoners, he say, "You had best say your prayers at once, for you soon out of this." The man commenced to say something, and he hit him in the mouth, and say, "Shut your mouth, you ought to say your prayers since last night." I saw several black soldiers taking up their rifles, and one say, "Give me a chance," and another say, "Give me a chance;" after they loose the prisoners, the soldiers and the prisoners went down the road, and Ensign Cullen and Dr. Morris went too from the shop, but how far they went I don't know; I wanted to see if I could get Walton off; but I was persuaded not to do so, and I kept in the shop, and I see through a glass window down the road, where they stop, and they take the three men across the road and tie them to the fence; and after I hear two vollies fire; I thought they shoot the three men at once; I looked out and saw one man against the fence; and as I look I heard a gun go off, and the man drop, and as I draw in I heard another volley; and I look through the glass window, and I saw Dr. Morris turn round and hand a gun to a soldier; then all the soldiers turned back to the shop, and this man, Hunter, wiping the nipple of his gun, and saying, "that the gun was long dirty, and he wished it to be clean," and "that he has just eaten his breakfast now;" and Ensign Cullen and Dr. Morris came up also, and I went down the steps and meet them up; and the doctor ask me for a bit of soap to have a bathe, and I gave him the soap and a towel, which I got from Mr. Manning, and he and Ensign Cullen went to the river, and I went off to Golden Grove, and I saw a few black soldiers at Mr. Kiskland's shop at Golden Grove; part of the same company that was at the Iron Bridge.

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784. Did you know any of the people who brought the prisoners to the Post Office; if so, name them?—One named Bryan, bookkeeper at Duckenfield, and two constables; I don't know their names well.

785. You have said the prisoners were tied to a fence, what sort of fence is it?—A bamboo rail, attached to the logwood hedge; they use it as a gate, and sometimes they tie it up as a fence.

786. You have said you heard two volleys, and then you looked out and heard a shot, and then you saw a man drop; did you see the whole of that man's body?—No; I see the head of the man standing.

787. Was that before he was shot?—Yes; I look out, and see the man standing against the fence; and I hear the gun, and the man drop.

788. Was there any attempt, as far as you saw, to shoot the prisoners without taking them down the road?—They did not attempt to shoot them before they take them down the road; but Mr. Manning hear they going to shoot them, and he came round and say, "Take them away, take them away."

789. You say you saw a few black soldiers at Mr. Kirkland's shop at Golden Grove, when you arrived there; can you tell how many, and do you know what they went there for?—Either three or four men; I saw them buying rum in the shop.

790. Are you quite certain that you saw Corporal Hunter return from down the road to the

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Post Office, after the three men were shot?—Yes; I did see him; I know the man well, he belongs to that parish; he belonged to Holland Estate; his parents live there now, and his brother work there sometimes.

791. Do you know Dr. Morris, that is to say, will you know him now if you see him; if so, look, and if he is in this room point him out?—Yes, I know him. (*Witness identifies Assistant Surgeon Morris.*)

792. *By Prisoner.*] Are you the same witness who was examined before the last Court Martial at Up Park Camp?—I was not examined up there; I was examined here in these barracks.

793. Have you and many of the other witnesses for the prosecution been together down in these barracks, and in Kingston, before you gave your evidence to-day?—I meet them sometimes here, but I come up seldom, because I knew I would not be required.

794. Who were outside the shop with you when you say you heard the report of guns?—Well, I cannot say; for when the order was given to shoot the men, there was a great stir, and I do not know who went out or who stayed in.

795. Just before you heard the first report of the guns, who were inside the shop with you?—I cannot say, for I was looking down the road through the window, and my back was to the shop, and I did not notice.

796. Did you not swear before the Royal Commissioners, in Spanish Town, that just before, or at the time of the report of the guns, that you, Manning and his boy, and Anderson, were in the shop?—I do not recollect that I did say that positive just before the guns fire. Before the guns fire, I do not recollect who were in the shop.

797. Do you recollect your being asked, when you were last examined about this same matter, as to Manning and his boy, and Anderson, being present in the shop with you at the same time, and the answer you then gave?—If they did ask me, I do not recollect; I think I do recollect they ask me that question, and I answer, I do not recollect where they were.

798. Were you asked before the Royal Commissioners at Spanish Town, and also on your former examination before the Court Martial, as to what you stated at Spanish Town, "Who was in the room when you were looking out of this window"; did you answer "There were several there, Manning and his boy, and Anderson"?—I do not recollect; it is such a long time. I do not recollect the words I say then.

799. About what time in the day were these prisoners brought to the Post-office?—I think it was about 10.30 or 11 or 11.30 a.m.; but it was not mid-day. But I did not look at the hour.

800. Will you swear that from where you were standing in the shop you could see the prisoners being tied at the fence?—I could not see the rope, but I saw them against the fence; I expect they tied them.

801. About how long were the prisoners at the Post Office before you heard the report of guns?—About a quarter of an hour altogether.

802. About what time on that day did you leave the lighthouse; what time did you arrive at the Post Office; and how far is the lighthouse from the Post Office?—I must have leave the lighthouse about 6.30 a.m. It must have been about 9 a.m. when I arrive at the Post Office. It is about six or seven miles from the Lighthouse to the Post Office.

803. Is it true, then, that you arrived or had alighted from your horse at the Post Office about the same time as the prisoners were brought to the Post Office?—No; I was there some time before they come.

804. How many vollies did you hear, when the guns went off?—I hear two first, about three or four guns go off, not together, but quick, one after the other, and the last man was fired at twice; as I look at the man, one single rifle went off and the man drop, and then I hear one more rifle. That was the time I drew into the shop; it was the last rifle. I was in the act of drawing in when this last rifle go off.

At 1 p.m. the Court adjourns over Christmas-day, till 11 a.m., 26th instant.

TENTH DAY, 26th December 1866.

On Wednesday, 26th December 1866, at 11 a.m., the Court re-assembles, pursuant to Adjournment:—Present, the same Members as on 24th instant; and proceeds with the Cross-examination of JOHN DUANEY.

J. Duaney. 26 Dec. 1866.

805. *By Prisoner.*] ABOUT how many men, soldiers, did you see go down the road, as you say, with the prisoners?—Several went down, but I can't say the number; I did not count them.

806. Tell about the number; is your memory so bad that you have no idea at all of the number; were there as many as are in this room?—I do not think so many as are in this room, but I can't say the quantity.

807. How many guns altogether do you think were fired?—I can't be positive; but the first two vollies four or five guns go off, but I can't say exactly the number, as they go quick off after one another.

808. Do you understand what a volley is; give the Court your idea?—If three or four guns fire at a time, that is a volley; or if one gun go I count it a volley too.

809. When you were at the Post Office (or Manning's shop), did you take any refreshment?—No; I did not.

810. Are you sure that you were quite sober all the time you were at Manning's shop on that day you speak of?—Yes, I was; and always sober. I am not given to drink.

811. *By Prosecutor.*] You have said you left the Lighthouse at about half-past 6 o'clock, and got to the Post Office at about 9 o'clock, and that the distance is about six miles; what made you take so long to go from the one place to the other?—I ride easy, and I stop at Holland Bay on my way for a little.

812. *By Court.*] Did you see those few black soldiers

soldiers you have spoken of as being at Kirkland's shop leave the Post-office before the remainder of the detachment, and was anybody in charge of them?—I did not see them leave the Post-office. I did not notice if there was any serjeant or corporal with them. I did not know any of the men. *J. Duany.* 26 Dec. 1866.

813. At what time did you arrive at Golden Grove on that day?—I cannot say, for I did not notice what time of day it was.

[The Witness withdraws.

Twenty-second Witness for the Prosecution.

JOHN ANDERSON, Schoolmaster, at Amity Hall, being duly sworn, is questioned by the Prosecutor.

814. *By Prosecutor.*] WHERE did you live during martial law, and in what year was martial law proclaimed?—I was living at Amity Hall. Martial law was proclaimed in 1865. *J. Anderson.*

815. Did you, at any time during martial law, leave Amity Hall and go elsewhere; if so, state where to?—I did leave Amity Hall, and went to the Iron Bridge, to the Post-office.

816. While at the Post-office, did you see anything particular happen; if so, state what, and when?—On the 21st October I saw black soldiers come to the Iron Bridge, in command of Ensign Cullen and Dr. Morris. Dr. Morris complained of fatigue, and he went and lay down for some time on a table, which was the only convenient place we had at the time, I mean in the premises, Mr. Manning's place; a little after, he got up and refreshed himself, and sat down for some time, and said he wanted chicken broth. All this happened before mid-day.

817. When you left Amity Hall and went to the Post-office, what did you go for?—Letters, for my letters; while I was there, I heard of the breaking out at Morant Bay, and I remained there.

818. Did you see any prisoners brought to the Iron Bridge on that day?—I did see three prisoners arrive at the bridge.

819. Tell their names, if you know them, and the names of those who brought them?—Richard Walton, Tommy Miles, and John McCall; Richard Francis got away on the barricade. I heard the soldiers say, "Prisoner got away," and they catch up their rifles and run different ways for him. The men who brought the prisoners were Bryan, Colson, and old Wills.

820. What was done with the prisoners when they arrived at the Post-office?—The constables delivered them to Corporal Hunter, and they were ordered to be flogged. I heard that order through Hunter. Hunter made application for twine; while he was about to make the cat, the order to flog them was reversed to shoot them.

821. Where were the prisoners all this time?—They were taken from the middle of the road, where they were delivered over by the constables, and tied to a post, one of the columns to keep up the shed of the Post Office.

822. Did you see Dr. Morris, and if so, where at this time?—Dr. Morris, who was in the adjacent room when the cat was making, went out into the road to Ensign Cullen, and looked at the paper which Ensign Cullen had in his hand; it was then the order was reversed from flogging to shooting.

823. What did you see done after the order was reversed from flogging to shooting?—The men, who were tied to the post, were jeered at, loosed from the post, and led down by the soldiers below the blacksmith's shop, towards Holland Bay side. Dr. Morris marched down with the men. They were tied to Duckenfield bamboo rail fence, one after the other, and there shot by the soldiers. Dr. Morris himself handled a rifle in shooting, for I saw when he present it, heard the report, but could not see when the ball enter the prisoner.

824. You say, "shot by the soldiers;" did you see the shooting? Explain fully what you saw—where the soldiers were, where the prisoners were, and how much of the prisoners you could see?—I did see the shooting. The soldiers were opposite to the prisoners, with their backs to the river, by the bamboo range, which grows by the side of the river. The prisoners were tied to Duckenfield rail, with their backs towards the grass-piece, and their faces to the road. When the prisoners were first taken to this bamboo rail I saw their heads from where I was standing, in the middle of the road, opposite the Post-office box.

825. How many soldiers do you think went down with the prisoners?—I did not count them, but I should think about 14.

826. How many shots were fired; state as near as you remember?—With regard to the number of muskets that go off I cannot venture to swear, but they were three intervals of shooting.

827. You say Dr. Morris laid on a table; where was this table?—In the adjacent room to the Post-office and shop.

828. After the prisoners were shot, what became of Dr. Morris?—He came up to the shop, and got soap and a towel to bathe. While Dr. Morris and Ensign Cullen went to bathe I went to look at the dead bodies.

829. What did you see when you went to look at the dead bodies?—I saw the three men tied with their hands to the fence; one had his brains fearfully over his face—come out of his skull.

830. You have said you saw "the three men;" what three men?—Richard Walton, Tommy Miles, and John McCall; they were perfectly dead when I went and looked at them, while the officers went to bathe.

831. Do you know Dr. Morris; if so, stand up and point him out if he is in this room?—

Witness identifies Assistant Surgeon Morris.

832. What time of day were the prisoners brought in; tell us as near as you can?—I should think it was between 11 and 12 o'clock, though I have no time-piece; it was about mid-day.

833. *By Prisoner.*] Have you been with the other witnesses for the prosecution, from day to day, near the bottom of the steps outside this room, and also in Kingston, since you were last examined, reading the newspapers, or otherwise?—I have been with the other witnesses outside this room; when I get the newspapers I read them, but not regularly.

834. Are you the same person who swore before the last court martial, at camp, these words, or to the following effect: "I remember what I have stated to the Court now better than 12 months ago, because I prayed to the Lord, and He assisted my memory, as if it happened yesterday"?—I am the same man.

835. Are you the same man who stayed from

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the 12th October, at the Post-office, until the 22nd October, when you were taken to Golden Grove and flogged as a rebel, in 1865, during martial law?—I am the same man, but I never was flogged as a rebel; I deny that.

836. What were you flogged for, then, during martial law at Golden Grove; was it not because you were complained of and charged as a rebel?—The charge that was made against me was, that I had said, August 12, 1865, that Mr. Chisholm was paying 3 *d.*, 6 *d.*, 9 *d.*, and 1 *s.* per week at Golden Grove. When I denied that, Mr. Harrison of Hordley whispered to Lieutenant Adcock, and then I was ordered 50 lashes; although, to this hour, I do not know what the charge against me was; I was tied to the same step up which I had taken Mr. Creighton, with not a soul to help me, and he was that wounded he could not walk.

837. Did you swear, before the last court martial, at camp, to the effect that you were present at both meetings, at the Guineppe tree at Morant Bay and at Stokes Hall, and the general character of both meetings were alike; on the state of the island at the time? Were you flogged after those meetings were held in which you took part?—Yes, I did swear that at the last court martial; I was flogged during martial law, 22nd October 1865, Sunday morning, same day as the school-house was burnt by the volunteers, the school-house I am teaching in.

838. Will you swear that you were flogged on the Sunday morning? Did you not swear, before the last court martial, at camp, as follows, or to this effect: "In the morning I was tied to the staircase, in the evening I got 50 lashes"?—I cannot swear I was flogged Sunday morning, because I was flogged Sunday evening. The school house was burnt Sunday morning.

839. Were you not brought before the court martial, of which Staff Assistant Surgeon Morris was a member, at Golden Grove, before you were flogged that Sunday?—I was not brought before a court, not for a minute. When I was brought out, Lieutenant Adcock ask what witnesses were against me. Mr. Chisholm then run up and say what I have told you; and then Mr. Harrison whispered to Lieutenant Adcock; that was all.

840. Did not the volunteers return in the evening of that Sunday, and were you not flogged after they and Lieutenant Adcock returned?—After they returned and eat their dinner I was flogged; where I sat I could hear them; they returned in the evening.

841. About what hour in the evening of the Sunday did the volunteers, with Lieutenant Adcock, return to Golden Grove, and how long afterwards, and after dinner was it, that you were flogged at Golden Grove that Sunday evening?—Where I sat I could not hear the dial, but I think it was after 4 p.m.; after I was flogged and went past the church it was dark; the sun was down, but I do not know how long this was after they had had their dinner.

842. Did you not swear at camp, before the last court martial, to the following effect, or in these words: "I did warn Manning to fly for his life when I received 50 lashes at Golden Grove"?—Yes, so I did.

843. Did you not swear at the last court martial at camp, to the following effect, or in these words: "Mr. Sinclair said to two of the volunteers, 'What the devil they bring this man (meaning yourself) and not Manning,' and that this was the reason I warn Manning, for his life was in danger"?—I recollect swearing that.

844. With whom were you at the Stokes Hall meeting? Who else took part at that meeting besides you; was it not after that, and during martial law, that you warned Manning to fly for his life?—Mr. Harris presided, he was called to the chair; Mr. Manning was there; it was after I was flogged in martial law, I warned Manning.

845. As to the Mr. Harris you mentioned, does he live near Muirton; who is he?—He is the Baptist minister at Belle Castle, Manchioneal.

846. About how long do you think Dr. Morris was in the room adjacent to the Post-office and shop on this day of which you speak?—He was there for a length of time, but as to how many hours I am unable to state.

847. Did you swear before the last court martial at camp to the following effect, or in these words: "I was so bewildered I could not go where the soldiers were at the time; I was in the middle of the road, opposite the Post-office; I was between the doors directly opposite the Post-office; I was in the road straight in front of the Post-office box"?—I did say that.

848. Did you also swear before the last court martial, at camp or here, as follows, or to this effect: "I cannot positively say how far the men were taken down from the Post-office to be shot, it may have been 60 yards"?—I did swear that about 60 yards.

849. Did you also swear before the same court martial, at camp or here, to the following effect: "The sight was so frightful I could not go near the men to see if there were any marks of chop or cut on the head"?—I said that after I went down I could not go near to examine whose brains came over his face, because the sight was so frightful; I mean that I could not go near to identify which of the three men had his brains down over his face.

850. Did you also swear at the last court martial, at camp or here, as follows, or to this effect: "I heard the report of the guns, rifles; I saw the guns presented, but owing to the bend of the road, and the thickness of the fence, I could not see the bodies"?—I recollect swearing to that, but I do not recollect saying that it was owing to the bend of the road.

851. Did you not swear just now that you did not go so near as "to say who they were;" did you not use those words; you can give any explanation you like?—I did not say these words, because I know that they were Walton, Miles, and McCall; but I said I did not go near to see who had the brains over his face.

852. Where were you standing, when, as you say, Dr. Morris and Ensign Cullen went to bathe? Did they go together at the same time?—I was standing in the road, opposite the Post-office, when I heard Dr. Morris ask for soap and a towel, and then when they went to the river I went down the road; I cannot tell whether they went together or not; I was not watching them; in fact I could not see as I was going down the road.

853. Then is it true or not, upon your own evidence, that you saw Ensign Cullen and Dr. Morris go to the river to bathe?—When I return from the road I saw them come up from the river side, and Dr. Morris was drying his feet.

854. Where did you see Dr. Morris drying his feet; was he walking along when you say he was drying his feet?—He sat opposite the kitchen in the yard, on a box, and dried his feet.

855. How

855. How long have you been on intimate terms with Manning; you said you were at the Post-office from the 12th October to the 22nd (1865), and you also said "we" had nowhere else to put him, meaning Dr. Morris on the table in the shop?—I should think from about '54 or 55,' I am not certain about the year, but some time about that period.

856. *By Prosecutor.*] You spoke, in cross-examination, of Mr. Creighton; tell the Court what you did for Mr. Creighton, and the reason why you had occasion to do so?—After Mr. Hire's house, Amity Hall was attacked by the rebels; Mr. Creighton was severely wounded, and left in a helpless state; I carried him away from Amity Hall great house in a buggy, having to hold him up till I got to Golden Grove steps, and I carried him up the steps into the house. *J. Anderson.* 26 Dec. 1866.

[The Witness withdraws.

Twenty-third Witness for Prosecution.

ELIZA PHILLIPS, residing on Holland Estate, being duly sworn, is questioned by the Prosecutor. *E. Phillips.*

857. *By Prosecutor.*] Do you remember the time of martial law?—Yes.

858. Did you go to the Iron Bridge during martial law, and if you did, tell what you went for?—Yes, I went there to buy something.

859. Whom did you see when you went to the Iron Bridge?—I saw black soldiers, with one or two white ones among them.

860. What day of the week was it you went to the Iron Bridge?—A Saturday.

861. Did you know any of the soldiers; if so, tell who?—I don't know none but Corporal Hunter.

862. Do you know an officer from a soldier; if so, tell if there were any officers there?—No.

863. What time of the day did you get at the Iron Bridge?—I get there about 8 o'clock in the morning.

864. Did anybody come to the Iron Bridge when you were there?—I was not looking if anybody come.

865. Did you see any prisoners at the Iron Bridge that day?—

The Prisoner objects to this question for the following reasons:

This is an examination in chief, and in a criminal case. The Witness has just now already stated, in answer to a question for the prosecution, that she was not looking to see if anybody came; she is then almost immediately asked for the prosecution if she saw prisoners come, or words to that effect. It is submitted that this is putting an answer into the mouth of the Witness. The word "prisoners" is far too suggestive under such circumstances.

The Prosecutor presses the question, and leaves the matter in the hands of the Court, without replying to the Prisoner's objection.

The court is cleared for deliberation, and decides that in its present form the question is inadmissible. The court is re-opened, and this decision is announced.

866. *By Prosecutor.*] Did you see anything done that day to anybody?—Three prisoners come from Duckenfield; I was in the kitchen, and hear guns fire.

867. Do you know the names of the people who brought the three prisoners?—No.

868. Do you know the names of the three prisoners?—No.

869. Who took the prisoners when they come?—Corporal Hunter.

870. What did Corporal Hunter do with the prisoners?—I don't know what him do with them.

871. What did you see done to the prisoners when they were brought to the Iron Bridge?—I did not see nothing, but Corporal Hunter boxed one.

872. Where was the prisoner when Corporal Hunter boxed him?—In Mr. Manning's door mouth.

873. What do you mean by door mouth?—In the piazza, under the shed.

874. Was the prisoner standing up or sitting down, or how?—He was standing up.

875. Where were the other two prisoners?—The other two were there in the same place.

876. Did you see the prisoners taken from under the shed to any other place?—When I come out of the kitchen I saw them going along the road, on Holland Bay-road.

877. Who was with the prisoners when they were going along the Holland Bay-road?—I do not know them, only Corporal Hunter.

878. Did you see anybody beside Corporal Hunter go with the prisoners down the road?—Yes, I saw soldiers, but I do not know them.

879. What sort of soldiers were they?—I see black soldiers going down the road when I return to the kitchen.

880. Were they all black soldiers that you saw going down the road?—What I saw was black soldiers; I don't know if any white soldiers before them.

881. What did Corporal Hunter do with the prisoners before he carried them down the road?—I did not see him do nothing, but box one.

882. Do you know the place the shop is kept in; Mr. Manning's shop?—Yes.

883. Is there a place to sit in, where there are no goods sold in any room and hall?—Yes.

884. Did you see anybody in that hall or place that day?—No; I was not in the shop; I was in the kitchen.

885. When the prisoners were carried down the Holland Bay-road, what did you see done to them?—I did not see nothing?—I in the kitchen, and hear gun fire.

886. What were you doing in the kitchen?—Cooking rice.

887. Whom was the rice for?—I do not know the soldiers the rice belonged to.

888. What sort of men were the prisoners; what colour?—Black.

889. Did you stay in the kitchen all the time you were cooking the rice?—Yes.

890. Were any relatives or family of yours at the Iron Bridge that day?—Corporal Hunter.

891. After the prisoners were taken down the road, who did you see come back?—I was in the kitchen, I do not know.

The Prisoner declines cross-examination of this witness, and she accordingly withdraws.

Twenty-fourth Witness for Prosecution.

J. Hamilton. JOHN HAMILTON, Shopkeeper at Holland, St. Thomas-in-the-East, being duly sworn, is questioned by the Prosecutor.

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892. *By Prosecutor.*] Do you remember the time when martial law prevailed?—Yes.

893. Did you at any time, during martial law, leave your place of business to go in the direction of Golden Grove; if so, state when?—On Saturday, 21st October 1865, I leave Holland to go to Golden Grove, and as I reached the Iron Bridge, where Mr. Manning's shop is situated, I met the soldiers there, black soldiers, so I stopped there with them for a while. During the time I was there I saw constables brought three prisoners from the direction of Duckenfield. As they came, Ensign Cullen go up to Bryan; what they say I did not hear, I was under the shed of the shop; as Ensign Cullen leave Bryan, he order the prisoners to be tied to flog; meanwhile soldiers were tying the prisoners, Ensign Cullen go into the dwelling part of Mr. Manning's place; I saw Dr. Morris come out and go up to Bryan; what they say I did not hear. As Dr. Morris leave Bryan, he said, "Loose them, and take them out one by one;" and they loose them, and take them down below the shop on the road, in the direction of Holland Bay, and they put them, the prisoners, against the bamboo rail, and where they put them I could not stay at the Bridge and see them again; but I could see the soldiers opposite, and I saw when the soldiers fire, and Dr. Morris at the last took one of the rifles, and fire the last volley.

894. Where were the prisoners before they were taken down the road?—Under the shed of the shop; soldiers were tying them to the post of the shop.

895. Do you know who brought the prisoners to the Iron Bridge; tell the names if you happen to know them?—Bryan, Cyphus Wills, and George Colson.

896. Did you know the names of the prisoners, or any of them at that time; if so, state them?—No, I did not know them that time.

897. Did you see any preparation made for flogging the prisoners?—Yes, I saw one of the soldiers was about making a cat.

898. Did you know the names of any of the soldiers present on that day at that place; if so, state them?—I know one, by the name of William Hunter.

899. Where did you first see Dr. Morris, when or after you arrived at the Post-office?—I never saw till he came out and go to Bryan.

900. Who went down the road with the prisoners?—Soldiers, Dr. Morris, and Ensign Cullen.

901. What time of day, as near as you can tell, did the prisoners come to the Iron Bridge?—About 11 o'clock, or thereabouts.

902. Can you tell how many soldiers went down the road with the prisoners?—I did not count them; I cannot tell.

903. You have said you saw the prisoners at the bamboo fence, and then that you could not see them from where you stood; tell the Court particularly what you saw done, and where you stood?—I was under the shed of the shop, and I saw soldiers march the prisoners down the road, as far as where there is a bamboo rail tied to the logwood fence; and after they put them on the side towards the fence, I could not stay and see them where I was, the logwood fence preventing me from seeing them. I saw the soldiers on the opposite side of the road to where the men were placed.

904. Which side did the soldiers stand; speak as if you are looking down the road towards Holland Bay?—On the left side.

905. When the soldiers went down with the prisoners, did they put the prisoners at once on the opposite side to them?—Yes, they put them at once.

906. Were you standing on the ground or on horseback, or anything else at the place from which you saw the soldiers when they were down the road?—I was standing on the ground.

It being now 4 p.m. the Court adjourns till 10 a.m. to-morrow, 27th instant.

ELEVENTH DAY.—27th December 1866.

J. Hamilton. On Thursday, the 27th December 1866, at 10 a.m, the Court re-assembles, pursuant to adjournment. Present the same Members as yesterday, and proceeds with the examination in chief of JOHN HAMILTON.

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907. By *Prosecutor.*] How many guns did you hear, as far you remember?—I don't remember how many guns; I did not notice that.

908. Do you know Dr. Morris; if so, see if he is in this room, and if so, point him out to the Court?

Witness identifies Assistant Surgeon Morris.

909. Did you hear Dr. Morris say anything about the prisoners that day?—Nothing.

910. Did you go back to the Iron Bridge after the Saturday you have been speaking of; if so, state when, and with whom?—I go along with Mr. Brooks from Holland on Sunday morning, next day, with some prisoners; as he got to the Iron Bridge, he turned the prisoners down to look at the dead bodies, and then take the prisoners on to Golden Grove.

911. What dead bodies do you mean?—I mean the three persons who were shot there on the Saturday.

912. Where did you take the prisoners from on the Sunday morning?—From Holland Estate.

913. Did

913. Did you assist in getting the prisoners together on the Sunday morning?—Yes.

914. When did you arrive at the Iron Bridge on the Sunday morning; what o'clock as near as you can tell?—About nine o'clock or after.

915. How many prisoners did you take, and were there any constables? tell the names of as many of the prisoners as you remember, also of the constables?—I do not remember how many, but over a dozen. The names of the constables are Bevis Hunter, Thomas Brown, James Boyd, Allan Bignall, Richard Byon, James Sproul, and Robert Speed. The names of the prisoners I remember are Richard Roden Francis, Allan Rose, Samuel Walker, Sandy Lewis, Richard Marryat, James Francis, Caroline Timothy, Lucy Low, and one named Johnson, I forget his first name, and Morris Brooks.

916. Where did you leave these prisoners?—As I got to Golden Grove I rode on to the stores, and Mr. Brooks take the prisoners to the volunteers and soldiers, who were at Golden Grove great house yard.

917. What time did you arrive at Golden Grove?—It was about 10 a. m.

918. Did you know any of the soldiers or volunteers you saw at Golden Grove, when you arrived there that morning?—No; I did not know any that morning.

919. *By Prisoner.*] Are you the same John Hamilton who gave evidence before the court martial at camp or here, about these same matters?—Yes.

920. How is it, that although you were examined on the part of the prosecution in the case at Up Park Camp about all these same matters, you never made any one statement whatever respecting taking prisoners to Golden Grove, or being near those bamboo rails on the Sunday morning; did you tell Mr. Jackson anything of this kind before you were examined last on oath about these matters?—Because I was brought here about the shooting, and I was never asked anything about the Sunday; I told Mr. Jackson, after the other court martial, and before this one.

921. Have you seen Mr. Brooks since you gave your evidence on oath at the last court martial on Ensign Cullen, about these same matters, or Manning, or Anderson; were you present in Kingston while Mr. Brooks was being examined about these prisoners being taken to Golden Grove on the Sunday morning?—I saw Mr. Brooks in town here since Ensign Cullen's court martial, but we have no conversation; I have seen both Manning and Anderson since the other court martial; I was in Kingston when Mr. Brooks was being examined about taking these prisoners to Golden Grove on the Sunday morning.

922. When first did you tell your story about this Sunday morning and the prisoners to Mr. Jackson; state the day as well as you can; was it since you returned here to give evidence on this case; was it not after you saw Brooks, Anderson, or Manning lately?—I told Mr. Jackson yesterday, for the first time, about these prisoners going to Golden Grove on Sunday.

923. You say you told Mr. Jackson yesterday the first time; did you not do that after this Court had adjourned yesterday, and in the afternoon or evening of yesterday, at Duke-street?—Yesterday afternoon, in Duke-street.

924. Has Mr. Brooks' evidence been read over to you by any person before you were examined here on oath to-day; think, before you answer?—I never saw or hear of it.

925. Did you, at the last court martial at Camp, or here, ever swear to the name of William Hunter as being present on the day you speak of, or the name of any soldier at all?—I do not recollect what I say then; I do not keep it in mind.

926. You swore here to-day, that you did not know the names of the prisoners at the time; how was it then that you ventured to swear at the last court martial that one of the prisoner's names was "Walton," as if of your own knowledge; was that hearsay, too?—I was told the day of the shooting, that one man's name was Walton; that he had a cast in his eye, and I noticed that one had a cast in his eye.

927. Then, what did you mean by swearing yesterday that you did not know the names of the prisoners at the time, when you now swear as to one man, that you knew him on the very day of the shooting, by being told, and by seeing a cast on his eye?—I was asked yesterday if I knew the men when they were being tied to be shot, as far as I understand it, and I was told that the man's name was Walton, *after* they were shot, about the evening of the same day.

928. You say about the evening of the same day you were told; where were you that evening of the same day?—I was at Holland Estate.

929. Did you, at the last court martial at Camp, swear as follows, or to this effect, in answer to questions: "You say Ensign Cullen heard when Dr. Morris said take them away one by one;" did Dr. Morris say anything else at the time, and answer as follows, "No, nothing more"?—I do not recollect if I answered "No;" it is too long.

930. Did you then also swear as follows, or to this effect: "I did not go to the place where the soldiers fired; I did not go there"?—I have said I do not recollect what I said at the other court martial; this is the third time I say so; but I did not go to the places.

931. Did you also then swear as follows, or to that effect: "The place was crowded with soldiers; I did not observe any other people there at all"?—The place was crowded with soldiers, but I do not know if I swore that at camp.

932. When you were last examined on oath at camp, did you swear as follows, or to this effect: "Where I was I could not see how they were tied, for I could not see them again" (meaning the prisoners)?—Where I was I did not see them tied; I do not know if I swear that at the camp.

933. Did you not then also swear as follows, or to that effect: "I remained at the shop, and I did not go near the bridge before the firing took place"?—I remained at the shop, and did not go down with them; but I do not recollect what I swear about that at camp.

The court is cleared by the order of the President, for deliberation.

On being re-opened, the prisoner is informed that though the Court will not interfere with the course of cross-examination adopted, yet it points out to the prisoner the fact, that testing the recollection of a witness by his answers to questions put on a former occasion cannot really assist the defence, inasmuch as such recollection is totally different from the recollection of facts

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which he states he saw; in the case of this particular witness, as he has more than once declared his inability to recollect what particular evidence he gave in answer to particular questions, the Court is of opinion that a continuation of this course of cross-examination is a mere waste of time.

934. *By Prisoner.*] You said you do not now recollect what you swore at the last court martial; how then do you now recollect about all these matters about prisoners, and shooting on particular days of a year and upwards ago, when you do not now remember about what you swore to only this year, in September, or October, or November. Has your memory been refreshed, and by whom?—My recollection has not been refreshed; but I recollect more what I see than what I have spoken already.

935. Did you deliver the prisoners to any person in command on the Sunday morning, any officer at all; did you see any at Golden Grove when you say the prisoners were delivered to soldiers and volunteers?—I did not deliver the prisoners; Mr. Brooks did. I saw officers, but I did not know them.

936. Were they officers of volunteers or of white troops whom you say you saw when the prisoners were delivered; can you tell the difference?—I cannot tell the difference.

937. *By Prosecutor.*] You said in cross-examination that you saw Mr. Brooks in Kingston, but had no conversation with him, and that you saw Manning and Anderson in Kingston; have you had any conversation with them; have you had any conversation with anybody at all about this business?—With nobody at all, except Mr. Jackson I told yesterday.

938. *By Court.*] What time did you leave Golden Grove that Sunday?—I was at Golden Grove till about 1 or 2 p. m.

[The Witness withdraws.

Twenty-fifth Witness for Prosecution.

G. G. Manning.

GEORGE GRANT MANNING, Postmaster of the Plantain Garden River District, being duly sworn, is questioned by Prosecutor.

939. *By Prosecutor.*] WHERE were you during the time of martial law?—I was at Duckenfield, Plantain Garden River Post-office, where I was living.

940. Do you remember any soldiers coming to that Post-office; if so, state when, and what soldiers?—On the 21st October 1865, between the hours of 8 and 9 a. m., Ensign Cullen and Dr. Morris, and a company of black soldiers, arrived at the Post-office, where I was, and halted.

941. What did Dr. Morris do when he came?—He went into the room adjoining the Post-office, where I met him, and he laid on the table; I thought he was suffering from fever; I gave him two pillows to put underneath his head and brought him some Florida water; put some on his head and washed his face; he then asked me for a cup of tea; I desired the cook, Cecilia Robinson, to prepare him the tea; I believe he got the tea, but I did not see him drink it; I was with him afterwards; he asked me if I had any potted meat, I said no, but that I could procure him some; I sent to Mr. Kirkland's at Golden Grove and got two or three pots.

942. Did you see any people come to the Post-office that day, after the soldiers came?—Yes, I think about mid-day; about that time three men came in as prisoners, brought by three constables; the prisoners' names are Richard Walton, Miles, and McCall, I think the constables' names were Bryan, Colson, and Wills. Before these men arrived, I heard a noise; the soldiers, said "Prisoners, prisoners; one man escaped;" several of the soldiers went off after the prisoner; they took several directions, but he was not caught.

943. What did you see done with the three prisoners who were brought to the Post-office?—They were tied to a post, one of the posts that supports the shed; one or two soldiers came in and asked me for twine to make a cat, for they said they were going to flog the prisoners; I gave the twine to those who asked me for it, and I saw one of them making a cat outside; at this stage, Dr. Morris, who was lying on the table from the time he came in, that is I believe so, he may have risen, but I did not see him until that time; he passed me, he went through the middle door of the shop and went out to Ensign Cullen, who was standing in the road; I saw Dr. Morris whisper to Ensign Cullen; the soldiers then said "the men, the three prisoners are to be shot, the doctor says so;" they spoke out loudly; I saw them immediately afterwards, a soldier loose them, I do not remember who that soldier was, in doing that one of the prisoners attempted to speak, the soldier boxed him on his cheek, and said, "Hold your tongue Sir, how dare you to speak, you should say your prayers since last night," those were his words. The three prisoners were led off by soldiers who were called out with their rifles; then I saw Ensign Cullen, Dr. Morris, the three prisoners, and the soldiers with their rifles, all march down the road leading to Holland Bay; the distance is about sixty or seventy yards, where they stopped; that is my idea of the distance, but it may be more or less. Then I saw the three prisoners taken across the road opposite, and tied to a bamboo draw rail. I could only then see the three heads of the three prisoners; I heard the report of rifles, I saw one prisoner's head bow in front, I heard another report and another head bowed in like manner, and a third report of rifles and the last head bowed; I then saw Dr. Morris discharge a rifle at one of these men that were shot; he walked up to the Post-office afterwards and moved about, he was not stationary; I gave soap and a towel to Duany to be given to the doctor, a little time afterwards I saw the doctor ascending from the river, and when he got opposite my kitchen he sat down, wiped his legs and feet, and buttoned on his leggings; I saw him some time afterwards on horseback; and he went off to Golden Grove and the soldiers all. The reason, I know, he went to Golden Grove, he requested me to send him on some soup which my cook was preparing for him; the soup was sent by my directions, and I think carried by a lad of the name of Clark.

944. Before the prisoners were taken down the road, did you say anything about removing them;

them; if so, state what?—Yes; I heard, I can't say from whom exactly, that the three prisoners were to be shot just in front of my place. I went to the door. I did not address any person particularly, but simply said, "Oh! don't shoot them there; take them away."

945. Where were you, and in what position, when you saw the rifles fired and the heads drop as you have described?—I was standing at the threshold of the middle door of the shop, and stooped a little, to see what was being done to the three prisoners.

946. What made you stoop?—The shed in front prevented me from seeing, if I stood upright.

947. How many soldiers went down the road with the prisoners?—There could not have been more than 10, 12 to 14; I think 14, perhaps, is too high a number. I range them from 10 to 12.

948. What time of the day did the officers and soldiers go away from the Iron Bridge that day, Saturday?—To the best of my knowledge, between 2 and 3 p. m.

949. Did you see any of the soldiers go away from the Iron Bridge before the others?—I did not observe.

950. How long did you remain at the Post-office; that is to say, when first did you go away, after Saturday the 21st of October?—I never left until 8 o'clock on Sunday evening, the following day, that is to say, to make my exit. I did go to Bath during Sunday, but then I returned.

951. Did you see any volunteers pass the Post-office the next morning, 22nd October 1865; and if so, state when and who, if you know?—Early in the morning of the 22nd, just about 7 o'clock, or a little after, I was standing at the door. I saw a company of volunteers advancing to my place, all on horseback. When they came opposite, I made out a Mr. Brandon, riding in company with another person whom I do not know. These two were in the advance. I then saw in a body Mr. Harrison, Mr. Duffus, I think Captain Astwood; Captain Ford, who was in the rear. There were a good many, but I do not recollect the others. Captain Ford spoke to me.

952. What road did these volunteers take?—They went over the bridge towards Amity Hall,

953. Did you see any soldiers that Sunday morning; and if you did, at what hour, and did you say anything to them?—I did see a black soldier, and I spoke to him. This was after the volunteers had gone over the bridge, I suppose 8·30 a. m.

954. Did you see anybody else pass the Post-office that Sunday morning?—Not any persons of note; there may have been a boy or girl, but no one that I would notice.

955. You have said you saw nobody of any note; name, as near as you can, all the persons you saw come to or pass the Post-office that Sunday morning?—Persons have come to, but did not pass the Post-office. Four or five men came over the bridge, and stopped just about where the blacksmith's shop is; they had hoes and pickaxes, or such implements as they could dig with. I spoke to one of those men, whose name is Wedderburn.

956. Did you see any other person at the Post-office that morning?—Yes; I call to mind a Mr. Brooks, a volunteer, with several constables, brought prisoners or were conveying prisoners; they stopped at the Post-office. Mr. Brooks, the constables, and the prisoners went down the road leading to Holland Bay, and stopped at the place where the three men were shot, and viewed the bodies; that is, I saw them stop and view that very place. They went on in the direction of Golden Grove.

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957. Did you know Doctor (afterwards Archdeacon) Trew, and his wife, and what was her first name; and had she any brothers; if so, give their names?—I knew Doctor Trew——

The prisoner here objects to this question on the following grounds:—

The prosecutor has no right to suggest the name of any person who was present on this same time in question. He should ask the witness generally as to his knowledge as to persons, and of their names.

The prosecutor replies.

In answer to the objection, all I have to say is, that the people whose names are asked for, have been dead many years. My subsequent examination will show what the information is which I seek to lay before the Court, and how it has been called for by the prisoner's examination of previous witnesses.

The prisoner declining to make any rejoinder, the Court is cleared for deliberation, and decides that the question is admissible. The Court is re-opened; this decision announced, and the witness directed to reply to the question.

I knew Dr. Trew; his first wife's name was Ann Bygrave. She had two brothers, Richard Bygrave and Thomas. I did not know Richard, but I knew well Dr. Thomas Bygrave.

958. Did Richard Bygrave die, leaving any female child, and by whom was she brought up, and what was her name?—He died leaving three daughters, Margaret, Ann, and Sarah; they were all brought up by Mrs. Archdeacon Trew, their aunt, and by their uncle, Dr. Thomas Bygrave.

959. Was any of these three daughters married, and if so, to whom?—The youngest got married to one James or John Marshall, of the parish of Manchester; the eldest, Margaret, to myself, in the year 1840. At that time she was an infant-school teacher at the Mico Institution.

960. What are the ages of your eldest and second son?—My eldest son was born in 1843, so he is about 23 years of age; the second is 21 years old.

961. Have you any child by a Maroon or any other woman, except your children by your wife?—None other children but by my wife. I had no connection or relations with Maroons whatever.

962. What sort of ground is the district of the Plantain Garden River Post-office, and particularly the grass piece opposite the Post-office, and onwards on the Holland Bay road?—A damp soil, as the river overflows its banks once or twice every year; a heavy shower of rain would find the grass piece before my shop in a pool of water.

963. How long have you been Postmaster, and living at Duckenfield, that is at the Plantain Garden River Post-office?—It is entering 12 years, I think, since I have been living at Duckenfield. I have been Postmaster over 15 years.

964. Have you a residence at any other place than the Plantain Garden River Post-office; and

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if so, state where, and where your family resides?—I have a residence in Kingston, and my family are all living in Kingston; that is to say, my children with their mother.

965. Do you know Dr. Morris; if so, see if *he is in this room, and point him out to the Court?*

Witness identifies Assistant Surgeon Morris.

966. In what parish is the Plantain Garden River Post-office and the Duckenfield Iron Suspension Bridge?—St. Thomas-in-the-East.

967. In what county is the parish of St. Thomas-in-the-East?—Surry.

968. *By Prisoner.*] Are you the same person who fled for your life upon information furnished to you by John Anderson the teacher, during martial law, and were you examined as a witness at the court martial at Up Park Camp?—I am the same person that John Anderson gave information to with respect to my safety, and the same person who gave evidence at Up Park Camp.

969. Are you aware that Ensign Cullen and Dr. Morris received instructions to take you a prisoner, and bring you before Captain Hole at Muirton as a leading rebel during martial law, and that they were in search of you during martial law?—I was never aware of that; and if there was an order to apprehend me, who has cancelled that order? I was no rebel, nor a leading rebel.

970. Are you not aware that Ensign Cullen and Dr. Morris were in search of you on the Monday after you received information from John Anderson, and after you absented yourself from the Post-office from the Sunday night, and why did you absent yourself?—I was not aware of that. On information by Anderson, stating that I would be apprehended and be shot I went away. I would not risk to remain, notwithstanding I was innocent.

971. How long did you absent yourself from your shop, from that Sunday night; what became of you; and how long were you away, and where?—I was twelve days away; twelve days in the bushes. One or two humane friends brought me food.

972. Had you time on that Sunday night, any time to remove your goods from your shop, or did you fly at once when Anderson told you your life was in danger?—I went off at once, and left my boy and cook in charge, with instructions to send for Mr. Thomas Smart to take care of my place.

973. While other places all round the Post-office were plundered by the rebels, did your goods remain safe during your absence?—When I left there was no outrage being committed by the rebels, that was put under a week before I had to leave.

974. Did you ever remove your goods from your store; if so, when; and how do you now account for all other stores being emptied, and yours not touched?—I did remove a part of my goods on the Thursday evening of the outbreak. I could only manage a part. The rebels did enter my premises in my absence, and took what was comeatable.

975. Are you not aware that the office of deputy postmaster is entirely dependent upon the Postmaster of Kingston, and that the pay is so small that it is difficult to get persons to fill the office?—I am aware that the office of deputy postmaster is dependent on the Postmaster of Kingston. I am also aware of the second part of the question, with the exception of some of the offices.

976. What relation do you say the Mr. Brooks who gave evidence here is to you?—He is no kin to me whatever.

977. Will you undertake to swear to your personal knowledge that that Duckenfield grass piece, of which you spoke, ever was overflowed by the river between October 1865 and September 1866?—I have no recollection that the river has overflowed its banks within the precise time stated.

978. Just after you were talking with Captain Ford, and attending to his request, did you go to get what he asked for; on that Sunday morning was he alone, or with others at the time when he stopped to speak with you at your shop on the Sunday morning?—He was not alone; I went into the shop, and brought what he asked for.

979. Is this the first time you have stated on oath that on this Sunday morning you saw Mr. Brooks, prisoners, and constables, stop at the Post-office, go down the road leading to Holland Bay, and stop at the spot where the three men were shot, and view the bodies, and look at the very place where you say the three men were shot, and then go in the direction of Golden Grove?—Yes, this is the first time.

980. Did you come out of the shop during this time of which you have been speaking of the bringing in of prisoners, the shooting and firing; did you come out at all of this shop until you heard, as you say, the report of guns; did you not swear to that effect before these same gentlemen at the court martial at camp?—I was in the shop the whole time; from the time the prisoners came in till they were shot, I was in the premises. Yes, I did swear that; that is, that I never came out of the premises during the whole transaction.

981. Did you not tell Ensign Cullen that you removed all your goods yourself alone (as your servants "took fright") into the bush, and that you brought them down yourself, and that when the above-named officer arrived, your store was well filled; did you not also state that the reason your store was not touched was because you were married to a Maroon (in answer to a question put by Ensign Cullen), on the Saturday of the march from Manchioneal to Golden Grove, and at the Post-office?—I have no recollection of having any conversation of that sort to Ensign Cullen. My store was not well filled when Ensign Cullen arrived there; he saw it in a confused state. I remember this, that Ensign Cullen said to me, "Don't give the men any drinks," he meant rum or ardent spirits; they got none, for I had none on sale; I don't remember having such a conversation with Ensign Cullen as to a Maroon.

982. Can you tell about how many soldiers altogether came with Ensign Cullen on that day at or about your shop, on this same march?—I should think 50; they appeared to me to be a full company.

983. Did the soldiers generally who came in company that day with Ensign Cullen have beer and other refreshments at your shop that same day?—They had.

984. Since you gave your evidence at the last court martial at camp, have you been in company with other witnesses for the prosecution in these barracks, and in Kingston and in Duke-street, at different hours of the day, till night sometimes

sometimes at 11 o'clock, or at other times?—No; I have not been in company directly with those persons, for the major part of them I do not associate with; I may have seen and have seen them repeatedly, but had no communication with them whatever, that is to say, on this matter.

985. When did you first communicate to Mr. Jackson in Kingston the statements, which you have made as to the prisoners and Mr. Brooks at the Post Office on the Sunday morning; tell the day as accurately as you can; was it not yesterday?—

The Prosecutor objects to this question in the following terms:

I, as Prosecutor, object to any questions being asked importing the name of other persons not recognised by the Court, and who are not in a situation to protect themselves. As Prosecutor, I am entitled, and it is my duty to get up my case by every legitimate means at my command, and under such legal assistance as I may command. I do not object to the question, because I have no fear of the answer: but I object to the principle of a line of examination which seems to assume that I am not to inquire into, and bring before the Court facts which intermediately come to light.

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The Prisoner replies,—

That the grounds mentioned in the objection are, it is respectfully submitted, wholly beside the question of the admissibility of the evidence. I have no desire whatever to do anything in derogation of the rights of the Prosecutor, or of due courtesy to him. I have a right, however, to test the credibility of the Witness by those means, and to see how and when; this new evidence has only come up at the last moment from a former Witness in these same matters; suppose it turns out that he has never mentioned this at all till to-day, this might throw doubt on the veracity of the Witness and his statements.

The Prosecutor declines making any rejoinder.

It being now 4 p.m., the Court adjourns till 10 a.m., to-morrow, the 28th instant.

Twelfth Day, 28th December 1866.

On Friday, 28th December 1866, at 10 a.m., the Court re-assembles pursuant to adjournment: Present the same Members as yesterday, and proceeds with closed doors to deliberate on the objection raised yesterday by the Prosecutor, respecting Question 985.

The Court decides that the question may be put with this alteration as suggested *vivâ voce* by the Prisoner, viz., that the words "the Prosecutor" be substituted for Mr. Jackson's name.

The Court being re-opened, this decision is announced, and the question in its amended form is read out to the Witness, George Grant Manning, who is directed to reply to it.

Witness.] I have no recollection of the day. I may have first mentioned Mr. Brook's name to those seeking information from me. I am no voluntary witness in this affair.

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986. *By Prisoner.*] Have you seen Brooks and Hamilton since they have been up here to give evidence or in St. Thomas'-in-the-East since the last court martial at Up Park Camp?—I have seen Hamilton several times, that is to say, I meet him in the streets. I have seen Brook's too.

987. Did not Ensign Cullen at the Post Office while he stayed there, apply to you for a buggy to take Dr. Morris to Golden Grove?—He applied to me for a vehicle of any description; I told him my own was broken and could not be used.

988. Do you not know why Ensign Cullen made that application to you, what were the cause?—He told me his colleague was suffering from fever, that he wanted the vehicle to take him somewhere, to move him on, but I do not recollect the place; by his colleague I mean Dr. Morris.

989. Will you undertake to say that you were not told by Ensign Cullen that the vehicle was wanted to take Dr. Morris that day to Golden Grove?—He may have said that, but I have no remembrance of that being the place.

990. About what time of the day do you say that Dr. Morris and Ensign Cullen went together to bathe in the river?—It must have been after 12 o'clock, for it was after the shooting, near one p.m. I should think; I am speaking of time to the best of my knowledge, for I made no note of it, and I am not giving it as being exact.

991. About how long altogether do you think that Dr. Morris was lying ill in your premises; state about the whole time, to the best of your knowledge?—He must have been lying on the table fully two hours, for after the shooting he was not confined to any place; he did not lie on the table again, did not go back.

992. Was not the vehicle asked for just about the time when the troops were about to start for Golden Grove from the Post Office?—No; immediately as they came in Ensign Cullen asked me what assistance I could afford him for his colleague, to remove him.

993. Did you, or not, send for a cart, or try to get one to take Dr. Morris; and, if so, state at what hour was that?—I did not; I never sent for any cart at all; in fact I never sent out at all to procure a cart or any vehicle.

994. Do you not know that Dr. Morris, being obliged to ride, was scarcely able to sit on his horse on his departure for Golden Grove from the Post Office that day?—I do not know that; when the soldiers were leaving I saw Dr. Morris on horseback, and I believe he had then sufficient strength to mount without the assistance of any one.

995. Did you not see a black soldier, the hospital orderly, with other soldiers, help him to mount; did you see him yourself mount at the very time?—I did not see him when he was mounting, but I saw him on horseback; my reason for saying he had sufficient strength is because I saw him walking about after the shooting of the three men.

996. Did you not tell Ensign Cullen that day, at the Post Office, that you were trying all you could

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could to get a cart or some vehicle for Dr. Morris, or words to that effect?—No, I have no recollection of such conversation.

997. Did you or not hear the order given to "fire;" did you not swear at the last court martial that that was the language which was used for the shooting of the prisoners?—I did swear to that language, and the word "fire" was what I heard; I distinctly heard that word used once.

998. *By Prosecutor.*] Do not heavy rains fall twice a year in this island, called "seasons"; tell what months these usually come, and whether they came in the years 1865 and 1866?—Yes, the seasons; the rainy seasons set in in May and October; sometimes they set in in the beginning of November, and then they do not come in October. In 1865, during martial law, there had been heavy showers of rain; that is all I remember in that year. In 1866 I was in Kingston at the time of the rainy seasons.

999. Where were the rest of the party of volunteers who passed on Sunday morning when you went into the shop to give Mr. Ford what he asked you for?—At the time Mr. Ford spoke to me, those in advance were going over the bridge; as there were a good many of them, they had to move on slowly, but they all went over the bridge,

1000. You have said that you have seen Brooks and Hamilton in the streets since the last court martial; have you had any conversations with them, or with any of the other witnesses, on the subject of this prosecution?—Nothing particularly; we talk of being kept in town, loss of time and business, and all that sort of thing.

1001. *By Court.*] When the soldiers arrived at the Post Office on Saturday, were many of them mounted, and what did they do with their horses during the halt?—Most of them, I think, were mounted; their horses were led into the grass piece, Duckenfield, and my own.

1002. From where you were standing, could you see whether Dr. Morris did anything with the rifle, besides discharge it, as you have stated?—Nothing else, but seeing him present it, and the discharge of the rifle.

1003. Will you explain why you did not try and procure a vehicle, when applied to by Ensign Cullen, your own being broken at the time?—For many reasons; first, it was a post day; I was waiting for a post; it was not the usual post day; but at that time there was no regularity in the conveyance of the mails; the other reason, myself was much needed to watch and to care my goods, for it was with difficulty I had to prevent the soldiers from imposing on me; they did not wish to pay for what they asked for, though, with civility from myself, they paid me what they took; for these reasons I would not venture to leave my shop.

1004. Did you mention to any of the volunteers you saw on Sunday morning the fact that three men had been shot the day before and were then tied to the bamboo fence; if not, why did you not do so?—Mr. Ford was the only person who spoke to me; none of the volunteers besides Mr. Ford spoke to me; I did not mention the circumstance of the three men being shot to Captain Ford, who was the only person who spoke to me at that time of the morning; I did not choose to mention it, moreover there was no time; Mr. Ford was anxious to follow the others.

1005. Did you see any white soldiers pass the Post Office at any time on Sunday, that is besides the volunteers you have mentioned?—I did not notice any.

1006. At what time did you leave the Post Office on Sunday the 22nd for Bath?—About 12 o'clock.

1007. When the river overflows its banks, does it cover the road in front of the Post Office?—It covers the road and the grass piece in front of the Post Office; about two feet depth of water.

1008. Can you tell how many soldiers fired at each prisoner at the bamboo rail on Saturday 21st October 1865?—I cannot tell.

1009. You have said that you sent to Mr. Kirkland's for "potted meats" for Dr. Morris; explain why you did not by the same messenger send and ask Mr. Kirkland, or some other person, for a cart or vehicle?—I suppose at that time I had quite forgotten the request of Ensign Cullen; he did not make it such an urgent case; simply asked me once; when I said I had none, he did not press it.

Before withdrawing, the Witness requests permission to amend an answer given by him during cross-examination yesterday to Question 981, and states that not only does he not remember holding any such conversation with Ensign Cullen relative to a Maroon woman, but that he now most distinctly swears that no such conversation took place.

[The Witness withdraws.

Twenty-sixth Witness for Prosecution.

BEVIS HUNTER, Fisherman and Labourer, residing at Plantain Garden River Bay, being duly sworn, is questioned by the Prosecutor.

B. Hunter.

1010. By *Prosecutor.*] ARE you a Constable, and were you one during martial law?—I am a constable, and was one during martial law.

1011. Where did you live during martial law?—Plantain Garden River Bay.

1012. Did you go anywhere particular on duty as a constable during martial law?—Yes, I did, to Holland Estate.

1013. When did you go, and for what purpose?—On Tuesday in the month of October; I was called upon to be a constable to go about and find things rebels rob.

1014. Did you take up any rebels or prisoners?—I take up prisoners.

1015. When did you take up the prisoners?—Sunday in October, 22nd.

1016. Who went with you, or did you go with, to take up the prisoners?—Volunteer Brooks.

1017. Can you tell the names of any of the prisoners; do so, if you can?—Morris Brooks, James Theodore Henderson, Richard Roden Francis, Samuel Lewis, Richard Marryat, Samuel Brittan, Allan Rose, James Francis, Thomas Russell, Abbot Johnson, William Hall, James Brown, Solomon Simpson, Frank Cox, Samuel Walker, and there were others.

1018. Were you the only constable, or did any others go with you; if so, tell their names?—John

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John Hamilton was with me, and Thomas Brown, Robert Speed, James Boyd, Allen Bignell, Richard Byon, and James Sproul.

1019. Where did you take the prisoners to?—To Golden Grove.

1020. Did you stop anywhere before you got to Golden Grove?—Yes, at the Iron Bridge.

1021. What was done with the prisoners at the Iron Bridge?—When they get to the Iron Bridge, Volunteer Brooks say to march the prisoners down here, to see their three countrymen; what a beautiful sight. The prisoners went down, and see the bodies below the Iron Bridge, on the road that go to Holland Bay or Plantain Garden River Bay, it is all the same bay.

1022. Did you go down the whole way to where the three bodies were?—Not very near.

1023. Did you go far enough to see anything?—Yes.

1024. What did you see?—I get a glimpse of the body of a man.

1025. Where did you stand; and explain what prevented your seeing more than you have said you saw?—I stand a little distance off. I did not go exactly where the prisoners stand. I was sick with rheumatism (gout) that night, Saturday night, and the morning, and did not wish to go further.

1026 How far down did the prisoners go?—They go far enough below the bridge.

1027. Did the prisoners see the bodies; speak of your own knowledge?—The prisoners and constables see the bodies; had a full view of the bodies.

1028. What time of day did you reach the Iron Bridge; tell as near as you can judge?—To the best of my knowledge, I think it was 10 o'clock, or a little after.

1029. Where did the prisoners go after they left the Iron Bridge?—To Golden Grove Estate.

1030. Did you go with them; if so, tell what became of the prisoners when you got there, who delivered them up, and to whom?—I went with them; we, the constables, delivered them up to the soldiers; we were ordered to deliver them up by Volunteer Brooks.

1031. Do you know what soldiers you delivered them up to?—They were black soldiers.

1032. How long after you arrived at Golden Grove did you deliver up the prisoners?—We were in the Great House yard for half-an-hour good, for a good while before Volunteer Brooks came from the Great House, and say to take them to the soldiers.

1033. *By Prisoner.*] Is this the first time you have given your evidence on oath about this matter?—The first time.

1034. Can you read or write?—No.

1035. Have you seen Mr. Brooks or Manning before you gave your evidence here to-day?—When I came down last week, I saw them about here.

1036. Did you yourself walk or ride on the Tuesday you spoke of?—I was called from the Bay to Holland, to be a constable, on Tuesday, and I walked.

1037. Did you ride or walk from Holland Estate to the Iron Bridge, and then to Golden Grove with prisoners?—I walked.

1038. What is the distance from Holland Estate, where you say you took prisoners to the Iron Bridge?—I can't say what the distance.

1039. Did you mention to any one for the prosecution, in Kingston, the statements you have made here to-day, after you had seen Manning and Mr. Brooks last week?—I have had no chat with anybody about it, since I came to Kingston, except Mr. Jackson. I speak to Mr. Jackson before I see Mr. Brooks or Mr. Manning. I was not near them for two or three days after I come up.

1040. Tell as well as you can the day on which you told this story to the gentleman whose name you just now mentioned?—Tuesday before last.

1041. Did you not see Manning and Brooks before you came up to Kingston; did you not see them in St. Thomas-in-the-East?—Yes; a long time before I know I was coming up to Kingston. I meet them walking in the parish, that is all.

1042. How was it that you came up to Kingston; who sent you, or told you to come up?—I get authority from the Court; send for me (*Witness shows his Summons*).

1043. To whom did you first mention this story you have told here to-day?—Mr. Jackson.

1044. You say that on Tuesday you did duty as a constable, and you took prisoners on a Sunday; what were you doing from the Tuesday till the Sunday?—I have already say. I go about searching for goods stolen. I continue night and day routing.

1045. You say you cannot read or write; how do you come to know the date was the 22nd of October when you say you took prisoners?—I know it was the 22nd; I count from the beginning of the month.

1046. What day of the month was the Sunday before that 22nd?—I cannot say.

[The Witness withdraws.

Twenty-seventh Witness for Prosecution.

THOMAS WEDDERBURN, Head Man of Gang at Amity Hall Estate, being duly sworn, is questioned by the Prosecutor.

T. Wedderburn.

1047. By *Prosecutor.*] Do you remember the time of martial law; where did you live at that time?—I remember the time of martial law, and I lived then at Amity Hall.

1048. Did you go anywhere during martial law; tell where to?—Only to the Iron Bridge, where we buried the man.

1049. What part of Iron Bridge did you go to?—To Duckenfield grass piece.

1050. What did you see when you got there?—I see three men tied on a bamboo fence.

1051. Were they alive or dead?—Dead.

1052. Did you know at that time any of these three men?—I don't know the men by name.

1053. Who went with you to the place you speak of?—Richard Taylor, Natty Wilkie, Charles Robinson, Zachariah Bayley, John Wright, David Thomas, William Huntingdon, and Harriet Warren.

1054. What day of the week was it you went to the place?—Sunday; I know the month, but not the day; it was October last year.

1055. What

T. Wedderburn.
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1055. What time of the day was it when you got to the place, as near as you can judge?—Eleven o'clock.

1856. What did you do when you got to the place?—We go and dig a hole, and we loosed the three men off the fence, and we put them into the hole; two side by side, and the one at the feet; after we buried them, then we go away.

1057. Did you ever go back to that place?—No; from after burying, I never go back till we dig up the bones.

1058. When did you dig up the bones?—This October gone.

1059. Was any gentleman there at the time you dug up the bones?—The doctor was there; I don't know his name.

1060. Did you notice anything upon any of these three men when you were burying them?—One have on trousers with a shining band round his waist.

1061. What was the band made of?—Glazed leather with a buckle at the front.

1062. How did you know the place to go to to dig up the bones?—Well, we dig the grave by the side of a bastard cedar stump.

1063. Where was the grave dug, and the bodies buried?—On Duckenfield land.

1064. How far was the grave from the fence to which you saw the bodies tied?—(*Witness describes it as being the breadth of this room.*)

1065. Do you know the Post-office at the Iron Bridge?—Yes.

1066. How far is the fence to which you saw the bodies tied from the Post-office?—As far from this house to that barracks (*pointing through the window*).

1067. How did you find the bodies when you dug them up?—The flesh all rotting off, and leave the bones.

1068. How did you find them lying in the ground?—They lay same as we bury them; side by side the same.

1069. When you dug up the bodies, did you find anything else?—Yes. Find a piece of strap, and a piece of rope, and a sixpence, and a pipe.

1070. Who helped to dig up the bodies?—Natty Wilkie, John Wright, William Huntingdon, Richard Taylor, Charles Robinson, David Thomas, Zachariah Bayley, Harriett Warren was there, but she did not dig, being a female.

1071. What made you go and bury these bodies?—I in my house, and Zachariah Bayley, come and call me, and what he told me made me go. He told me three men were shot at the Iron Bridge, and some soldier passing by said we must go and bury them.

1072. *By Prisoner.*] Are you the same witness who was examined at the last court martial at camp, or here, about this story?—Yes. I was examined in this house, this barrack here.

1073. *By Court.*] How were the three dead bodies clothed when you buried them?—One have on a white flannel, one is naked, have on no shirt at all, and one have on an old white jacket; they all have on trousers. None had boots or shoes; I did not see any.

1074. Can you tell which way you placed the heads of the three men in the grave?—The heads up, and the feet towards Holland Bay.

1075. Did you observe whether there was any difference in the height of the three men?—I did not observe.

1076. Take these three pens, the inky ends are the heads of the men; show exactly how you placed them in the grave?—(*The Witness places two of the supposed heads on a level, and the third head between and lower down than the other two.*)

[The Witness withdraws.

Twenty-eighth Witness for Prosecution.

HARRIETT WARREN, residing on Amity Hall Estate, being duly sworn, is questioned by the Prosecutor.

H. Warren.

1077. *By Prosecutor.*] WHERE did you live during martial law?—At Amity Hall.

1078. Do you remember going from Amity Hall about anything during martial law?—Yes; I went to the Iron Bridge last year, October 22nd; I went to see three men tied to the bamboo fence.

1079. What did you see done when you got there?—I saw them tied to the bamboo fence with their heads hanging down; they were dead; I saw one skull mashed; the brains fall out, and the fowls eat them; another have a wound or cut on his belly side; and one have on a leather band round his waist.

1080. What did they do with the dead mens' bodies?—John Wright, Zachariah Bayley, Thomas Wedderburn, Richard Taylor, Charles Robinson, Natty Wilkie, William Huntingdon, and David Thomas dig a hole and put them two side and side, and one at the feet, side of a bastard cedar stump.

1081. What bamboo fence do you mean to which you say you saw the dead bodies tied?—On Duckenfield land.

1082. Did you know any of the three men at that time?—I know them; they belong to Duckenfield; one, named Tommy Miles, one Richard Walton, and one John M'Call.

1083. Where was the grave dug; that is, how far from the fence to which you saw the bodies tied?—From here to that table (*pointing to one about* 10 *paces distant*).

1084. Did you go back again to that place at any time; if so, say when?—No; never go back till them dig up the grave; I do not remember the month, but it was a Wednesday day.

1085. Who went with you, or whom did you see there?—The same men who bury them.

1086. Did you see any gentleman there, and do you know any?—I do not know any but Colonel Daniell and Mr. Jackson; there were some more gentlemen, but I do not know their names.

1087. Were the bodies dug up, did you see?—Yes; I see them.

1088. How were the bodies found in the ground?—Find pieces of bones; dig up pieces of bones.

1089. Did you see how they were lying in the grave; the bodies?—No; where they strike in the grave the bones come up; but they find two skulls same as they put them, and the other one down at the other two feet.

1090. Are

1090. Are you quite certain that the spot of ground you saw the bodies taken from is the same spot of ground you saw them buried at in October last year?—Yes, the same spot; I mark it by the bastard cedar stump.

1091. You have said the bodies were buried on the 22nd of October, last year; how do you know it was the 22nd of October?—It was a Sunday day. I never before saw dead bodies tied to a fence; that make me remember the day. I know it by remembrance in my head.

1092. Are you a married woman?—I live with a sweetheart about seven year now, same as my husband.

1093. Who is the sweetheart; what is his name?—His name is John Wright.

1094. Is that the same John Wright whose name you have mentioned as one of the people who buried the bodies?—Yes.

1095. What o'clock was it when you went to the Iron Bridge that day?—I don't know the time; I did not see the clock; I did not hear any clock strike.

1096. Did you go to church that day?—I was to go; but there was no church that time, and I went back to my house and sat down. *H. Warren.* 28 Dec. 1866.

1097. Did you dress to go to church?—I did not dress. I eating my breakfast, and don't go again. I sit down.

1098. How did you know there was no church?—There was no church in martial law, nobody went to church; no church open.

1099. *By Prisoner.*] Are you the same witness who was examined at the last court martial here, and swore you could not read or write, or remember the date when the bones were dug up this year?—Yes.

1100. What date was the Sunday next after this 22nd October that you spoke of; do you remember this other date; tell what it was?—I don't remember it; it slip out of my mind.

1101. *By Court.*] Can you say which of the three men had his head mashed and brains falling out, and which had a wound in his belly?—Richard Walton have the wound in his belly side; I could not tell who the one was with the head mashed.

[The Witness withdraws.

Twenty-ninth Witness for Prosecution.

ZACHARIAH BAYLEY, Labourer, residing at Amity Hall, being duly sworn, is questioned by the Prosecutor.

1102. [*By Prosecutor.*] WHERE did you live during martial law, and do you remember anything particular happening at that time?—I lived at Amity Hall Estate. I remember, on 22nd October, two black soldiers, passing Amity Hall, told me to go and bury three men at the Iron Bridge, and to get others with me to go and bury the three men. I went and get some more men with me, and went to the Iron Bridge, when I saw the three dead bodies tied upon a bamboo fence; and we go and dig a hole, and cut the bodies from the fence and bury them in Duckenfield grass piece. *Z. Bayley.*

1103. Can you read and write?—Yes.

1104. How far from the bamboo fence to which the bodies were tied did you bury them?—Half-a-chain.

1105. How far is the bamboo fence from the Post Office?—I do not know precisely, but I think it is two chains or more.

1106. You have spoken of the 22nd of October; tell the year?—One thousand eight hundred and sixty-five.

1107. In what direction from the Post Office is the bamboo rail, on what road?—To Holland Bay.

1108. How did they bury the bodies; that is, how were they laid in the grave?—Two side by side, and one below the feet of the other two.

1109. Did any one accompany you to bury these bodies; tell some of the names?—William Huntingdon, John Wright, Charles Robinson, Richard Taylor, Natty Wilkie, David Thomas, Thomas Wedderburn; there was one female with us, Harriett Warren; she did not bury.

1110. What time of the day did you bury the bodies?—Between 12 and 1 o'clock.

1111. Did you know any of the men, the dead men who were tied at the rail?—No.

1112. How did you find the bodies, in what state?—Their hands tied between their backs, tied to the bamboo fence.

1113. How did they look?—One of their brains over the face, and the other two with blood; I did not observe anything more.

1114. Did you go back to that grave at any time?—Not before I went to dig up the bones.

1115. How did you know the grave?—By a bastard cedar stump at the foot of the grave.

1116. Did you see the bodies dug up; if so, where were they taken from?—I dug them up myself, from the same place I bury them.

1117. Were any gentleman present when the bodies were dug up?—Yes, Mr. Jackson and Colonel Daniell, and a doctor.

1118. *By Prisoner.*] How long did you take to bury them, the bodies; how long were you digging the hole?—I do not know; I have no time-piece; we were in a hurry, and I do not know how long we take to dig the hole.

1119. Will you state whether it was an hour or half-an-hour, or two hours; you had plenty of persons with hoes and shovels, had you not?—There were plenty of persons, but I do not remember how much time we take to dig it.

1120. How many feet did you dig the hole; did you bury the bodies the same depth as other dead bodies; show about how deep?—We could not bury the bodies same as other bodies, because we were in a hurry; we bury them about three feet deep.

1121. Did you take spells with each other in digging; and dig as you do in cane fields or provision grounds?—We did take spells to dig, because some have no hoes, and some have no shovels, and all of us could not hold in the grave same time.

It being 4 p.m. the Court adjourns till 10 a.m. to-morrow, the 29th instant.

Thirteenth Day, 29th December 1866.

On Saturday, the 29th of December 1866, at 10 a.m., the Court re-assembles, pursuant to adjournment:—Present, the same Members as yesterday, and proceeds with the cross-examination of Zachariah Bayley.

Z. Bayley.

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1122. *By Prisoner.*] When you were examined at the previous court martial on the trial of Ensign Cullen, did you not then state you only knew it was a Sunday you buried the three men; how is it you now remember it is the 22nd October?—I think I stated the 22nd too.

1123. Which of three dead men was it that had his brains over the face?—I do not know his name.

1124. *By Prosecutor.*] You have said you were "in a hurry" in digging the grave; why were you in a hurry?—Because they say the soldiers come and see us there, they shot us.

1125. *By Court.*] Did you that Sunday morning see any soldiers or volunteers about the negro houses of Amity Hall?—Yes; I saw volunteers come there that same Sunday.

1126. Was that before or after you buried the bodies?—Before I bury the bodies, but I do not know the hour. I was in the negro house, Amity Hall, one of the constable's houses, when I saw the volunteers.

1127. What were the volunteers doing, and do you suppose they saw you?—Yes; they saw me. At that time they come from the burning of the meeting-house; two or three chains from the constable's house where I was.

1128. Can you tell about what hour the two soldiers gave you directions about burying the three dead men?—About 10 or 12 o'clock; I do not know, but I guess it was about 11 or 12 o'clock; it was after I saw the volunteers.

1129. What sort of soldiers were they, and were they walking or on horseback?—Black soldiers; they were walking.

[The Witness withdraws.

Thirtieth Witness for Prosecution.

Thomas Brown, Head Wagon-man, on Holland Estate, being duly sworn, is questioned by the Prosecutor.

T. Brown.

1130. *By Prosecutor.*] Are you a Constable?—Yes.

1131. Do you remember martial law; and did you go any where on duty as a constable during martial law?—I remember martial law; I went on Holland Estate as a constable then.

1132. Whom did you go with, and what did you do?—I go with Mr. Brooks, and take up prisoners.

1133. How many prisoners; if you know any names, tell them?—I do not know how many, but I recollect some names; Morris Brooks, James Anderson, Robert Johnson, Tommy Russell, Richard Marryat, Richard Roden Francis, and Lucy Lowe; I do not remember any more.

1134. Did any other constables go with you; if so, tell the names of such as you recollect?—Yes, there were other constables; Bevis Hunter, John Hamilton, Allan Bignall, James Boyd, Richard Byon, James Sproul, and Robert Speed.

1135. Do you know the day of the month this took place?—Twenty-second October last year.

1136. Where did you take up the prisoners, and where did you take them to?—Took them up on Holland Estate, and took them to Golden Grove.

1137. Did you stop on the way to Golden Grove; if so, tell where and what you saw?—I went up to the Iron Bridge, and when we come to the turn to Golden Grove, Mr. Brooks called to come this way, that is the way to Holland Bay; and when we go a little ways we saw three men; Mr. Brooks say, "Look at your three countrymen."

1138. Were the three men dead or alive?—Dead.

1139. How did you see the three men; in what position?—I saw one of them this way (*hands behind and bending body forward*); I see one this way (*leaning the body to the right, and lower than in the first instance*); I see the other one all his brains running out.

1140. What part of the road did you see the three men?—On the right hand going to Holland Bay.

1141. Was there any fence about there, if so, what sort?—Logwood fence this way, and bamboo rail in the midst, as a gate.

1142. You have said one of the three men had his hands behind him; how were his hands?—Tied this way to the fence (*placing his hands behind him*).

1143. What fence?—The bamboo fence; they call it the gate.

1144. How were the hands of the other two men?—Tied the same way to the fence; the three men tied same way; hands aback of them.

1145. Did you know any of these three men; if so, tell which?—I know their names; John M'Call, and Richard Walton, and Tommy Miles.

1146. After you and the prisoners saw the three dead men, what did you do; where did you and your prisoners go?—We marched back to the Iron Bridge to Mr. Manning's shop; were there a little, a few minutes, then come to Golden Grove.

1147. What time of day was it when you were at the Iron Bridge?—Between 10 and 11 o'clock.

1148. When you got to Golden Grove, what did you do with the prisoners?—We carry them into the yard, the Great House yard; Mr. Brooks go upstairs into the Great House, and a little time order us to take them to the Mill House, and deliver them to the soldiers; and we did deliver them to the soldiers.

1149. What sort of soldiers; do you know them at all?—Black soldiers; I do not know them at all.

1150. How long did you remain at Golden Grove

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Grove that day?—I cannot remember how long I stop at Golden Grove.

1151. *By Prisoner.*] Did you give evidence at the trial of Ensign Cullen, or is this the first time you have given your evidence on oath?—This is the first time.

1152. When did you first mention this story to any one in St. Thomas-in-the-East; and who questioned you about it?—I never mention it to any body at all in St. Thomas-in-the-East; nobody at all question me there.

1153. Can you read or write; and how do you know it was the 22nd October last year?—I cannot read or write; I hear it the first day we take the prisoners, and I bear it in memory now.

1154. To whom first then did you mention this story, anywhere?—Nowhere at all; never do it; never mention it all.

1155. Were you summoned to come up and give evidence at this court martial; and who gave in your name as a witness?—I was summoned; I do not know who gave my name.

1156. You say you knew the three dead men's names; who told you their names?—I know the man then; my own self.

1157. Did Mr. Brooks speak to any one at the Iron Bridge, and how did he know the three dead men were there; did any one tell him, and if so, who?—He did not speak to any one body at the Iron Bridge; I can't say how he knew, or whether anybody told him.

1158. Which of the dead men was it that had his brains over his face?—I can't recollect the right one; as I see them I get frightened.

1159. Did Bevis Hunter see the three men the same as you have stated you did?—That I can't say.

1160. *By Prosecutor.*] You say you were summoned to come to town; when did you come to town, and whom did you go to?—I come Monday before last; I went to Mr. Jackson.

1161. Did you tell Mr. Jackson this story?—Yes.

1162. *By Court.*] You said that you never mentioned this story anywhere, never mentioned it at all; and afterwards you say you told Mr. Jackson; can you explain what you really meant by your first answer?—I mean I never tell it but to Mr. Jackson.

[The Witness withdraws.

Thirty-first Witness for Prosecution.

WILLIAM BARTLEY, Labourer, residing at Dalvey, being duly sworn, is questioned by the Prosecutor.

W. Bartley

1163. *By Prosecutor.*] Do you remember the time of martial law?—Yes.

1164. Did you go anywhere at that time to look for anybody?—Yes, I go to look for Richard Walton, Tommy Miles, and John M'Call.

1165. Where did you see them?—I see them at a bamboo fence at the Iron Bridge; they were killed and tied up.

1166. How did they look?—They look so; Walton look so (*bending his body forward*); and one look so (*hanging his body downwards, and to the right*), he had a cut on his head. The other had a chop on the back of his neck, and he was bowing forward too.

1167. What made you go and look for these men?—Because Richard Walton was same as my brother. We come in one ship together from over the sea; we live in one house together, and I miss him.

1168. What did you do with the men?—When I go soon in the morning, I go away again; I go to inquire if I can get any person to help me to go dig a grave and bury them. When I go I can't get nobody. Well, I come back to the Iron Bridge, and meet a lot of people come from Amity Hall; I help them begin and dig a grave. When we dig the grave, I get up and loose the men from the fence, the three of them. When I loose them I put them into the hole; when I put them into the hole I cover them; when I cover them done we go away.

1169. Where did you bury them; what land?—To Duckenfield land, in a grass piece.

1170. How far from the fence you saw the men tied to is the grave you buried them in?—About the half-a-chain.

1171. What day of the week was this?—That day of the week I can't tell. It was a Saturday they kill them, and the Sunday we bury them, in October last year.

1172. What time of the day did you go first to look for the men?—About 5 o'clock, before the sun rise.

1173. How did you put the men into the grave?—I put Richard Walton, the longest man, in the middle, and one on the left and the other on the right (*Witness shows the respective positions of the bodies by placing three pens on the table, by which it appears that he means that Richard Walton was placed with his head above, or higher up than the other two heads*).

1174. *By Prisoner.*] Are you the same person who gave evidence before at the court martial at the trial of Ensign Cullen, and in this room?—Yes.

1175. Can you tell what time of day it was you assisted to bury the men?—I do not know, for I have no watch, but I can guess 1 o'clock, because I see people come from church.

1176. When did you first miss Richard Walton?—I miss him Saturday night.

1177. How deep was the grave you bury the men in?—The grave when we dig it was up to my waist. (*Found on measurement to be* 32 *inches.*)

1178. What made you think of going to the Iron Bridge to look for him; how was it you did not go anywhere else so soon as 5 o'clock in the morning?—When I hear my countrymen kill at the Iron Bridge, I go to see; I can't go anywhere else.

1179. *By Court.*] Did you see many people coming from church; and what church do you mean?—I was at the Iron Bridge. They come from Golden Grove Church. I saw many people. I saw old Cyphus Wills, he come to see the dead bodies; he told me he come from church.

[The Witness withdraws.

Thirty-second Witness for Prosecution.

Assistant Surgeon KERR, 2nd Battalion 6th Regiment, being duly sworn, is Questioned by the Prosecutor.

Assistant Surgeon *Kerr.*

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1180. *By Prosecutor.*] DID you go to the parish of St. Thomas-in-the-East on duty; when, and what for?—I went to the parish of St. Thomas-in-the-East on special duty, on the 25th September 1866, and to place myself under the orders of Colonel Daniell.

1181. What did you do when you got there?—On the morning of the 26th, Colonel Daniell and I and others proceeded to a field, beyond the Post Office at the Iron Bridge, where we exhumed three skeletons.

1182. How far from the Post Office was the grave out of which you took the skeletons?—I suppose about 300 yards, but I am not certain.

1183. Was Mr. Henry Clarke, of the Royal Engineer Department, present?—He was.

1184. Was there any fence to the field; if so, describe it as near as you can shortly?—There was a fence, but I cannot tell what kind of fence it was.

1185. What description of skeletons did you take up?—Male skeletons.

1186. Will you describe to the Court, as fully and particularly as you can, all your observations of those skeletons made at the time, and after subsequent examination?—The bones were taken out of the grave nearly separately; they were put upon tables close by, and as a number of the small bones were missing, the earth dug up was raked. It was then brought to the side of the grave, and shovelful after shovelful of earth was sprinkled into the grave. I did not observe any holes in the bones at the time. When the different pieces of bones were put together at the engine-house, the injuries to the bones were discovered. At the time of exhumation the bones were covered with moist adipocere, and under one of the bodies was what appeared to be black skin.

1187. What did you see taken out of the grave besides the bones?—Two bowls of pipes; a leather belt, with a buckle on it; a separate buckle; two buttons and a sixpence. There was also a piece of twine.

1188. Did you fit up the skeletons at that time, or when, if afterwards?—They were fitted up as nearly as possible at the side of the grave, but they never were what we, professionally speaking, call fitted up. I subsequently took them out of the boxes, and put them up in the engine-house in these barracks.

1189. Can you from memory, or by referring to any memorandum made by yourself, tell which, if any, bones were missing to make up three perfect male skeletons?—There are missing about 146 bones, small bones of the hands and feet; there is one and a-half hyoid bones, 28 teeth, and three coccyx, or bottom vertebra of the backbone.

1190. Are you certain that the bones which you took out of the boxes and fitted up in the engine-room in these barracks, are the same which you took up in St. Thomas-in-the-East, on the 26th of September last?—I am quite certain that they are the same bones.

1191. You have spoken of injuries to the bones, discovered on after examination, will you describe these injuries particularly?—No. 1 skull is partially broken, portions of the frontal left parietal and temporal bones missing; I found nine pieces of skull which nearly filled up the opening. Above the left parietal eminence there is an oval opening, one inch by half-an-inch; part of this opening is nearly semicircular, and the rest is irregular in form; fissured fractures extend over the top and sides of the skull in different directions; fissures pass through some of the bones of the face; the right-half of oval opening has the external table projecting over the inner table; in the left-half this condition is reversed; above the left ear is an irregular opening which we were unable to fill up with any fragments of bone; its longest diameter is two and a-half inches, shortest, one inch and a-half. No. 3 skull, all the bones of the head were separated from each other, and all broken; many of the bones of the face were either broken or separated from each other; an irregular-shaped opening exists in the left parietal bone; its longest diameter is two inches, its shortest, three-quarters of an inch; the upper part of it is nearly semicircular, lower part irregular; the external table projects over the inner table on the right-half: this condition is reversed in the left-half; the lower jaw is fractured in two; the right ilium of one of the pelves is fractured; three fragments of bone have been fitted to the ilium; a semicircular piece is still wanting to complete the bone; a second pelvis has a small portion of right ilium broken away, two left-shoulder blades are considerably fractured, and pieces wanting; one of the ribs is fractured, and one of the vertebra fractured; these are all the injuries I can remember.

(Witness shows to the Court the ilium to which the pieces have been attached; referred to in the above description of injuries to the bones.

1192. Can you express any opinion as to the cause of any of the injuries of which you have spoken; if so, describe which injury, and your opinion regarding it?—The injuries to the two skulls Nos. 1 and 3, those to two shoulder blades, and that to the pelvis (*all produced in court*), in my opinion are such as might have been caused by bullets. As to the probable cause of injury to the fractured jaw-bone I can give no opinion.

1193. Does your opinion apply to all the injuries of which you have spoken, with the one exception of the fracture of the jaw-bone?—I can give no opinion as to the fractured rib or vertebra.

1194. Then are those the only three exceptions; jaw-bone, rib, and vertebra?—They are.

1195. You have spoken of No. 1, No. 2, and No. 3 skulls; can you with any certainty apportion any of the three skulls to any one set of bones as they lie now in the engine-room?—I could not positively state that any one skull belongs to any one set of bones on the table; I have

have no doubt but that each skull belongs to one of the sets of bones.

1196. What kind of earth were these bodies taken out of?—I suppose clayey earth, it resembles clay more than anything else I know of.

1197. Have you made such a careful examination of those bones, as will, in your own judgment, enable you to express a professional opinion about them; if so, say if you see any reason to think that the bones are not of the same age, that is of any one skeleton?—I believe that there are three complete separate skeletons, with the exceptions I have mentioned.

1198. Did you personally superintend the taking up of the bones; if so, state how it was done; that is, with respect to the amount of care?—I did personally superintend the taking up of all the bones; the men were instructed how and where to dig. I showed them how to dig, and at one time Colonel Daniell and myself were the only diggers.

1199. Have you formed any opinion as to the length of time those bones were buried; if so, tell it to the Court, and give your reasons?—There is nothing surprising in the appearance of the bones to warrant my stating that they had been in the ground longer than 12 months; if I give my reasons, I must assume that those are the three men said to have been shot; setting aside cases of rapid decomposition, everything was in favour of speedy decomposition; in the first place the death was probably sudden, the cavities of the body were open; they were exposed for nearly 24 hours to the open air; the bodies may have been lightly clothed, and the grave was of such a depth, that the bodies would be exposed in a slight degree, to the changes of the weather; and if my opinion that the soil is a clayey one be correct, that would also hasten decomposition.

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1200. Did you see anything by which you could form an opinion of the colour in life of those three men?—From the hair I should suppose they were black men; and if that was skin under one of the bodies of which I have spoken, its outer surface was of a dark colour.

1201. Have you observed any bones which you can with certainty call human bones, among those in the engine-room, in excess of what will make up three human male skeletons?—There are no bones in excess.

1202. Look at the three pieces of something now produced, marked 1, 2, 3, and tell the Court anything you know of them, and particularly when you first saw them?—No. 1 in an envelope marked "ramus", is the anterior superior spinous process of the ilium. Nos. 2 and 3 I cannot give any opinion about. No. 1 I remember distinctly seeing at the end of October or beginning of November. When I first saw Nos. 2 and 3, I cannot positively state.

1203. Of what ilium do you speak, of which you say No. 1 is the anterior superior spinous process?—

Witness produces an ilium, to which he considers the process belongs (this ilium is marked 4, in ink, by the Deputy Judge Advocate).

At 2 p.m. the Court adjourns till 10 a.m. on Monday, the 31st instant.

Fourteenth Day, 31st December 1866.

On Monday 31st December 1866, at 10 a.m., the Court re-assembles pursuant to adjournment: Present, the same Members as on the 29th instant, and proceeds with the Examination in Chief of Assistant Surgeon Kerr.

1204. *By Prosecutor.*] Was there any difficulty in finding the grave out of which these bodies were taken?—There was no difficulty in finding out the grave.

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1205. *By Prisoner.*] Were you examined as a witness on the trial of Ensign Cullen?—I was.

1206. In your evidence on the trial of Ensign Cullen, you stated that the remains you exhumed were not buried deeper than one foot seven inches, are you positive the bodies were not buried deeper?—I am quite positive they were not buried deeper.

1207. When you were examined at the court-martial on the trial of Ensign Cullen, did you not state that you placed everything found in the grave in the boxes, and did you not also state on being recalled by the Court, you found portions of animal matter, part of which were white and greasy; but that the whole mouldered away before it could be put into the box?—I mentioned that I put all the bones and materials found in the grave into the boxes; it was that structure which lay under one of the bodies, which resembled skin that shrivelled up; that was the only thing that mouldered away; that piece that resembled integument.

1208. In what month, and day of the month, did you make those notes which you read from whilst giving evidence, and did you do so with the assistance of any one and whom, and state who took the measurement you have described?—On 2nd or 3rd November; Dr. Anderson and I took notes in the engine-house at the same time, Dr. Bowerbank being present; Dr. Anderson measured the holes in the skulls, and I saw the measurements, the skulls were between us at the time.

1209. Then those notes were not taken at the time of exhumation?—They were not taken at the time of exhumation.

1210. Did you ever know skin to be recognised as such, after having been buried nine or ten months?—No, I have not.

1211. Did you not on that examination, on the trial of Ensign Cullen, say you found moist adipocere; define it, and state if there is more than one kind?—I did state so; adipocere is ammoniacal soap, supposed to be; it varies in colour and

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and consistency, but I believe there is only one kind.

1212. On your former examination, on the trial of Ensign Cullen, did you not express your opinion that human hair was for years durable after death?—I did.

1213. Can you account for the absence of more clothing and hair, assuming that the bodies you saw exhumed were only buried 12 months?—I cannot.

1214. When you took the remains out of the several boxes, on the 30th October, did you observe if the straw in which they had been kept was soiled, or the inside of the box itself; or did the boxes, or any of them, contain any brown powdery substance like mouldered human remains?—Neither the straw nor the boxes appeared to be soiled; the boxes did not contain any powdery substance resembling human remains.

1215. Supposing that 145 bones of the hands and feet, one rib, one tongue bone, and three "Os Coccyges," were absent, can you account for their disappearance, assuming the bodies you saw exhumed were buried 12 months?—One rib, I may mention, was at one time supposed to have been absent, but three pieces have been found which make up one rib; I cannot account for the absence of the other bones named.

1216. Previous to your giving evidence on the trial of Ensign Cullen, were you aware that there were certain portions of bones supposed, or stated to be over and above that necessary to form three skeletons?—Previous to my giving evidence there were three vertebræ, supposed to be extra, but they were found to be processes of three of the vertebræ lying on the tables; I remember distinctly the discussion about that piece of bone, marked No. 1, about which I gave evidence on Saturday last, and I stated at the time that I did not think it was the remains of the lower jaw.

1217. Are you aware that several medical gentlemen expressed different opinions as to the nature of these three pieces of bones, Nos. 1, 2, 3, and that over and over again attempts were made to fit them to different portions of the skeleton?—I do not think there can be any difference, and I am not aware of any difference of opinion as to the piece of bone marked No. 1; the pieces marked 2 and 3, attempts have been made to fit them over and over again, and there is a difference of opinion about them.

1218. When did you first attach No. 1 piece of bone to the pelvis of No. 2 skeleton, as a portion of the pelvis of No. 2 skeleton, as a portion of the anterior superior spinous process?—Two or three days before my second examination in Ensign Cullen's case.

1219. Looking at the "os innominatum" of pelvis No. 2, and at No. 1 piece of bone, as regards colour, the state of the broken edges, do you think that the jointure you effected is satisfactory; in other words, will you positively swear that No. 1 was the superior spinous process of that ilium?—I have already sworn it was; to the very best of my belief it is the anterior superior spinous process of that ilium; of course I may be mistaken.

1220. Did you ever, that is before you gave evidence on the trial of Ensign Cullen, express an opinion that the three pieces of bones, 1, 2, 3, were not that of a human body, but were bestial?—I never gave such an opinion.

1221. Is it a fact, in surgery, that fracture of the acromion process frequently is not reunited by bone, but by cartilage?—It is a fact.

1222. Can you account for the recent fracture in No. 2 pelvis?—There is no recent fracture in No. 2 pelvis; there is a spicula of bone knocked off.

1223. Look well at the two bones 2 and 3, have they both an articulating facet, or union edge; is such a facet natural to an acromion process for the articulation of the clavicle?—There is an articulating facet to both pieces of bone, 2 and 3; such a facet is natural to an acromion process.

1224. Are the bones Nos. 2 and 3 a pair; have you observed whether the six scapular of the three skeletons all have their acromion processes?—I can't say; they do not look like a pair; the six scapular of the three skeletons have all their acromion processes.

1225. Will you swear that the "superior anterior spinous process" of any of the six ilia bones of the three pelves, on the tables in the engine-room, were wanting on the 31st October?—I can't swear that any of them were wanting on that date.

1226. In your previous evidence on the trial of Ensign Cullen, you stated that the colour and worn edges of No. 1 piece is due to handling; are you still of that opinion, and if so, whose handling?—If I remember rightly, I did not say it was due to handling, but I suppose it might be; there are differences of colour in different parts of the same bone. All the medical men in the engine-room handled it more or less; there were at least seven of us, if not more.

1227. Was the exhumation carefully conducted, and, in your opinion, are the injuries those of recent chops or blows from a pickaxe, or digger, or hoe, spade, or shovel?—The exhumation was carefully performed; I can't imagine that any of the injuries were done by any of the implements named.

1228. Is a brick mould conducive, or the contrary, to the decomposition of a body buried in it?—It is not the driest soil, and naturally more conducive to decomposition than a drier soil.

1229. Do brick moulds vary in composition, as also in their effects on bodies so buried?—I can give no answer to that question.

1230. Are you aware that a convict by the name of Jones was buried at Camp, and are you not aware that his skeleton was exhumed?—I have been informed that a convict was buried in Camp, and I have seen the bones said to be remains of the convict.

1231. Are you acquainted with the soil in which the three bodies at Duckenfield were interred, and also that at Camp in which a convict was buried; can you state if there was any material difference between them?—I am not an authority on soils; I can give no positive opinion as to the nature of soils. The soil at Camp appears to me drier than that at Duckenfield.

1232. What is the extent of your own personal experience of exhumed bodies before the exhumation of the three skeletons now in the engine-room; at how many exhumations had you been present?—I never exhumed bodies before, nor have I ever been present at any other exhumation.

1233. Did you not swear on the trial of Ensign Cullen that the fracture in one of the skulls resembled a hole such as was made by a conical bullet

bullet such as is used by the infantry soldier of the present day?—I did swear that it resembled a bullet wound such as is used by the infantry soldier of the present day.

1234. Did you ever see a man shot through the skull by the present conical bullet, and afterwards examine the skull; I do not refer to injuries inflicted after death?—I have seen injuries caused by the conical bullet to the skull of a living man, and have examined those injuries afterwards.

1235. Then, can you swear that this fracture was inflicted by the present infantry conical bullet during life?—I cannot swear that these injuries were inflicted during life by a conical bullet.

1236. Do you believe that an Enfield rifle fired at a man at 11 paces, during life, could inflict the injuries found on the skulls 1 and 3; and do you think a conical bullet would so completely break up the bones of the skull and face, and tear open the different sutures, taking into consideration your experience and the difference caused by the conoidal and spherical balls?—I do believe that a conical bullet would break up the skull at that distance.

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1237. On the 31st October you expressed an opinion that one skull presented what might have been a gun-shot wound; since then you have seen two of the skulls fixed up; are you still of that opinion?—Yes; I am still of the same opinion as I was on 31st October; I have only seen one skull fitted up since.

1238. Did you see the skull said to be that of a convict that was exhumed at Camp, and did you not see the remains of the brains in it before Dr. Bowerbank and myself?—I did see the skull of the convict; I saw something in the cavity of the skull, but I could not say it was brains.

1239. Did you not see the whole of the clothing of the alleged convict?—I saw parts of the clothing; I can't say I saw the whole.

1240. Did you see the red paint on it?—Yes; I did.

[The Witness withdraws.

Thirty-third Witness for Prosecution.

ALEXANDER FIDDES, Fellow of the Royal College of Surgeons of Edinburgh, practising in Kingston, being duly sworn, is questioned by the Prosecutor.

A. Fiddes.

1241. *By Prosecutor.*] How long have you practised, where, and what public appointments have you held?—I have practised in Kingston since 1843; I was for three years Chief Surgeon to the Kingston Hospital.

1242. Have you examined the skeletons now lying in the engine-room in these barracks; if so, give a description of them?—I have examined those skeletons on several occasions; firstly, on 30th October last; secondly, on 23rd November; thirdly, on 29th November; and, lastly, 29th December, on Saturday last. No. 1 skeleton is that of a fully-grown man, probably of middle age; the skeleton is pretty complete: that is, all the principal bones are present, with the exception of a few of the smaller bones of the hand and foot; the most remarkable appearance in the skeleton is a comminuted fracture of the top and left side of the skull, involving particularly the frontal, the parietal, and the temporal bones; one of the scapulæ or shoulder-blades, I think the left, is also broken in its body. With regard to No. 2 skeleton, it is that of a large adult male. The several bones of this skeleton are also tolerably complete, with the exception of the smaller bones of the fingers and toes; the only mark of injury observable in this skeleton is a fracture of the superior anterior spinous process of the right ilium, where a piece of bone, about two inches long, and half an inch broad, has been knocked off. I may mention that there is a considerable enlargement of the shaft of the left thigh bone. In regard to skeleton No. 3, that is evidently that of a young man, probably under 25 years of age. I form that conclusion from the fact that the crest of the ilium has not yet united to the body of the bone by osseous junction, and the head of the humerus is still connected with the body of the bone by cartilaginous structure. The most remarkable feature in that skeleton is an extensive breaking of the bones of the cranium on the left side, and at the base, and also to some extent on the frontal region; the lower jaw-bone is also broken at the chin, and on its right side, near its articulation with the temporal bone. The atlas or first vertebra of the neck is also broken into two pieces; one of the scapulæ is also fractured, as is also the right osilium: I may mention that this skeleton shows a node or elevation on one of the shin bones, showing, probably, that the person had suffered from an old standing ulcerated leg. Those are the principal features I noted in regard to the appearances of the skeletons.

1243. In your examination of these skeletons have you observed any supernumerary bones: that is, bones in excess of what will make up three male human skeletons?—Yes; on my second or third examination, but not on my first, I found there were two pieces of bones, apparently in excess.

1244. Look at the three pieces of something now produced and shown to you, marked No. 1, No. 2, and No. 3; state your opinion of them?—The one marked No. 1 is the anterior superior spinous process of the ilium of the skeleton No. 2; this is not a bone in excess. The pieces of bone marked 2 and 3 have very considerable resemblance to the apex or extremity of the acromion process of the scapula, but they do not form any portion of either of the three skeletons which I have inspected.

1245. Have the pieces Nos. 2 and 3 the precise anatomical characters of the acromium process of the scapula?—They resemble it pretty nearly.

1246. Have you bestowed much attention to the study of morbid anatomy, and have you made many examinations of bodies or bones; if so, state them?—I have been all my life, since the age of 15, engaged in the practical part of my profession, and I believe I have had as much experience in these matters as most men of my age.

1247. Is there any difference, which you can explain to the Court, between the bones Nos. 2 and 3, and the acromium process of the scapula, which you say resemble them pretty nearly?—I think the two bones 2 and 3 are rather more

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pointed than the acromiom process of an adult person usually is; and I also think the two articular facets, which are covered by cartilage, are somewhat nearer to the apex or point than are generally found in a well-formed acromiom process.

1248. Is there any other part of a human skeleton to which those bones may belong, or of which they may be part?—I do not believe that they have the slightest resemblance to any other part of the human skeleton.

1249. Take up No. 1 and show the Court its adaptation to the part to which you say it belongs?—(*Witness affixes the bone as requested, and shows it to the Court.*)

1250. What is your opinion as to the length of time that these bones or bodies have been buried; and is there, in your opinion, any difference as to the length of time they have been under ground?—I cannot state with positive exactitude the length of time those skeletons have been in the ground. I can give an approximative answer to that question only. I may safely say that they have been in the earth for a period not less than six months, and I do not think they have been longer in the earth than 12 months. I see nothing to lead to the inference that any one skeleton has been longer in the earth than the others.

1251. Give the Court your reasons fully for the opinion you have just expressed as to the length of time those bodies have been in the earth?—I fixed the minimum time at six months, because that period of time may be necessary for the thorough decomposition and disappearance of the soft tissues of the human body interred at a superficial depth and without a coffin; and I fixed the maximum time at 12 months, because I think that if these skeletons had been longer under ground than that time, some of the more delicate bones would have shown evidence of disintegration and decay.

1252. You have said that six months may be necessary for the thorough decomposition and disappearance of the soft tissues of a human body, would it be sufficient for that purpose?—Amply sufficient.

1253. What is your authority for that opinion?—My chief authority is my own practical experience; and I might adduce the further evidence of Orfila, the late Professor of Forensic Medicine at Paris, who has written on the subject; I may however add that in temperate climates like that of France, to which Orfila's researches were restricted, the decomposition of animal bodies is not so rapid as it is in tropical countries like Jamaica.

1254. Take up skull No. 1, and explain fully to the Court your opinion as to how the injuries on it occurred?—I think it highly probable that these fractures occurred by the bones having been struck by one or more rifle bullets.

1255. Do the same with skull No. 3?—I think it likewise probable that this skull has been injured in the same way, and by the same means.

1256. Of the injuries which you have enumerated to the several parts of each of the skeletons, tell your opinion how each of such other injuries was caused?—Commencing with skeleton No. 1, I think it very probable that the injury to the scapula was the result of a gun-shot wound; with regard to No. 2, I find I am in error as to the extent of the injury to the ilium; it is somewhat more extensive than what I have described; a piece of bone about four inches long, and one inch and a half wide, has been carried away from its anterior upper surface; of the bone marked No. 4, I think it very probable that this was also caused by a rifle bullet having struck the bone when passing through the belly. As regards No. 3 skeleton, I think it very probable that a bullet striking and fracturing the jaw at its centre, may have passed backwards and broken the atlas or first vertebra at the same time, and may afterwards have passed through and fractured the base of the cranium at the same time; I am disposed to attribute the other injuries to the scapula and osilium to gun-shot wounds also.

1257. Did you notice any cartilaginous surfaces attached to any of the bones?—Yes; there was a cartilaginous union between the epiphysis of the crest of the ilium and the body of the ilium in skeleton N. 3; there was also a cartilaginous formation existing between the head and the neck of the humerus in skeleton No. 3; and I think there was also an appearance of articular cartilage on several of the bones, particularly of the long bones of the lower extremities of all the skeletons.

1258. Did you remark that a thigh bone of skeleton No. 3 had been recently sawn across to show the condition of the interior of that bone?—I did.

1259. What is your opinion of the state of the medullary canal of that bone as shown by the section which has been made, does it evince signs of long interment, or does it indicate that the bone has not been very long buried?—The section distinctly showed that the bone had not been long buried.

1260. *By Prisoner.*] You stated that one skeleton belonged to a man of 25 years of age, because the crest of the ilium was not united; at what age is it admitted in our profession to unite?—I said I think "under" 25 years of age, and it is generally admitted that the union takes place about 25; it is supposed to be complete about that period.

1261. You swore that the head of the humerus is still connected with the body (by which I suppose you mean the shaft) by cartilaginous structure, did you ever know cartilage to remain in a grave for 12 months?—Yes; the cartilage which exists between the epiphysis of a bone and its body, is in a transiture state between true cartilage and fully developed bone, and will resist decomposition for a longer time than cartilage lying over the free surface of a joint.

1262. Do you think a bullet passing through the atlas would simply break it in two pieces, or do you think a bullet would break it all to pieces, and if the atlas was broken by a bullet, do you not think also the odontoid process of the axis would be broken at the same time?—No; I think a bullet might pass through without doing more than break it in two pieces, and that the odontoid process would not necessarily be broken to pieces, because the bullet might strike a little to the right, or a little to the left of that process.

1263. Did you ever exhume a body at six months, if so, when and where; I mean buried without a coffin?—I have exhumed with my own hands in this parish, seven human bodies for scientific purposes, after periods of time ranging from three days to four months; I have never waited so long as six months to exhume any portion of an animal body, because I have always found

found that decomposition was complete at an earlier period than six months; I speak of bodies superficially interred and without coffins.

1264. Have you had any experience in gunshot wounds, and will you state the nature of your experience, I mean practical experience?—I have had very little practical experience of gunshot wounds; I have had a little experience, and I have also observed the effects of gunshot wounds in the anatomical museums in America and Europe; my own experience is chiefly confined to wounds made with a spherical bullet.

1265. What do you term "delicate bones"?—Anything extremely fine; I would name the processes of the palate bone, the pterygoid processes of the sphenoid bone, the nasal bones, the convoluted bones in the chambers of the nostrils and the lachrymal bone of the eye, and the alveolar processes of the upper and lower jaw bones; I may mention those as specimens of what I call the delicate bones of a skeleton.

1266. Did you ever know those bones to decay in 12 months, and have you ever known those bones all to be present when a body has been buried more than 8 or even 15 years?—I think after the lapse of 12 months, these bones I have mentioned commenced to show signs of disintegration and decay; I have no knowledge of bodies exhumed after such a length of time as 8 or 15 years, but I believe that after that time all those bones would be found decayed; that is my belief only, as I have had no practical experience of bodies so long buried.

1267. You say that one skull in your opinion was injured by one or more rifle bullets, which do you mean, one or more?—I put it hypothetically, as having been done by one or more; there are two apertures in this skull, No. 1, and I am not prepared to say the damage was done by one bullet; I would answer as I did before, that it may have been done by one or more, or by one or two bullets.

1268. What, in your opinion, is the effect of a conical ball passing through the ilium, supposing the man to be shot when alive?—The effects of a conical ball striking the ilium would be to pass through the bone, and also to splinter it up much in the same manner that a pane of glass is splintered by a stone thrown against it; that is to say, that an aperture is made, and that several radiating or diverging fractures also occur.

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1269. You stated the skull No. 3 belongs to the skeleton of which the atlas is fractured, how can you tell that skull belongs to that atlas?—I have seen no reason to doubt the scientific accuracy of the arrangement of the bones made by Dr. Kerr.

1270. Give me your reasons for stating those injuries you refer to are gunshot injuries; what is the usual mode of determining that point in the medical profession?—I do not see in what other way those injuries could have been effected than by gunshot; they have the splintered character of gunshot wounds, and if I saw those skulls in any museum, without knowing anything of their history, I think I would recognise that the injuries had been effected by projectiles from a rifle.

1271. What was the state of the contents of the medullary canal of the sawn bone?—The contents showed considerable freshness, and had little appearance of decay, such as would be shown by a bone that had been buried for a very long time.

1272. At what time after the burial does articular cartilage disappear?—I am not quite certain on that point; it is the last of the soft structures to disappear, and I should say it would scarcely be removed till after the lapse of a period approximating to a year, a little more or a little less, perhaps, but something about that.

1273. At what period after burial does the hyoid bone decay; also those of the hand and feet?—I cannot fix the period of the decay of the bones of hand and foot, nor of the hyoid bone; the hard bones (the solid bones) will last for a long time, and, if buried deeply, for a very great number of years.

1274. Did you ever know skin to remain 12 months buried, and be recognised as such when dug up after the lapse of that time?—Never; no.

[The Witness withdraws.

Thirty-fourth Witness for Prosecution.

RICHARD TAYLOR, Wain-man at Amity Hall, being duly sworn, is questioned by the Prosecutor.

1275. *By Prosecutor.*] Do you remember martial law; where did you live at that time?—Yes, I remember martial law; I lived then at Amity Hall.

1276. Did you go anywhere during martial law for any particular purpose?—Yes, I go to Iron Bridge; I go to bury three men.

1277. Do you know what day was this?—It was a Sunday. I remember it was October last year.

1278. Who went with you; if you know any of their names tell some of them?—There was Natty Wilkie, Charles Robinson, William Huntingdon, and David Thomas.

1279. Tell the Court what you saw, when you went, as you say, to the Iron Bridge, and what did you do?—I saw three men tied upon a fence. I don't know the men. They was dead. We get in and dig a grave at Duckenfield grasspiece, and we carry them in and bury them. They were black men.

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1280. What sort of fence did you see them tied to?—It was a logwood fence, with bamboo tied upon. Near the edge of the fence.

1281. Did you see anything particular about these men when you buried them?—I saw one have a leather strap about his waist.

1282. Whereabout is this fence; I mean on what road?—The road to go down to Holland Bay.

1283. How did these three men look when they were tied, as you say, to the fence?—They look as dead men.

1284. Tell the Court how you put these three men in the grave?—We put two side and side, and the other below the other two, foot. (*Witness shows his meaning by placing three pens in the position indicated, the head of the centre body being between the bodies of the other two.*)

1285. What made you go and bury these men?—I meet two soldiers at Amity Hall, at Mr. Cornwall's shop. They were black soldiers. They

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They say must go to Iron Bridge, see three men tied there, must bury them.

1286. What made you say these men looked dead?—When I go to the fence they were dead: was not alive.

1287. How far is the grave from the bamboo fence, to which you saw the three men tied?—About from that wall to that one (*the width of the room*).

1288. Show the Court, as near as you can, how deep you dug the grave, in which you buried these three men?—(*Witness stands up, and points rather higher than his knee.*)

1289. Did you ever go back to this grave again; if so, what did you do?—I go back to dig them up.

1290. When was this, and who was with you?—The doctor was with we. By we, I mean Natty Wilkie, Charles Robinson, Thomas Wedderburn, Zachariah Bayley, and William Huntingdon. I really forget the name of the month.

1291. Were there any gentlemen present beside the doctor?—Yes; Colonel Daniell did come, and several gentlemen more did come, but I did not know their names.

1292. When you dig them up, what did you find?—Find trousers' buttons; find a bit of the strap, and the other man find a sixpence.

1293. How did you find the bodies, I mean in what state?—Them was rotten.

1294. How were they lying in the grave?—Same way as we put them.

1295. How did you know the place to find the grave?—A bastard cedar stump was at the foot of the grave.

1296. Are you certain that the grave you opened, and out of which you took the bodies, was the same grave in which you buried the bodies?—Yes.

1297. *By Prisoner.*] Are you the same person who gave evidence before in this room on the trial of Ensign Cullen?—Yes.

1298. How many Augusts, and how many Christmas' have passed since you say you buried the men?—One August and two Christmas.

1299. Can you read or write?—No.

1300. *By Court.*] To what estate did the men belong who went with you to bury the three men?—To Amity Hall. Only the men from Amity Hall and I go together. I did not observe any other men there.

1301. Tell the names of all the persons whom you observed there besides those you have already given?—John Wright and Harriett Warren; I cannot remember any more.

[The Witness withdraws.

It being now 4 p.m.., the Court adjourns till 10 a.m. to-morrow, 1st January 1867.

Fifteenth Day, 1st January 1867.

On Tuesday the 1st January 1867, at 10 a.m., the Court re-assembles, pursuant to adjournment. Present, the same Members as yesterday.

Thirty-fifth Witness for Prosecution.

James Scott, Member of the Royal College of Surgeons of England, and practising in Kingston, being duly sworn, is questioned by the Prosecutor.

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1302. *By Prosecutor.*] How long have you been in the practice of your profession, and have you held any public appointment, if so, state what and for how long?—I have been in practice for a period of nearly 28 years; and for 18 years was one of the Surgeons of the Kingston Hospital.

1303. Have you had practical experience of the exhumation of human bodies, and can you speak of your own knowledge as to the length of time animal bodies require for complete decomposition?—I have had considerable experience in the interment and exhumation of bodies, and also of portions of bodies; the length of time required for complete decomposition, will be determined by the circumstances under which a body may have been placed.

1304. What are the circumstances or conditions which accelerate or retard the progess of decomposition in animal bodies, when buried in the earth?—If the body be coffined and placed at a considerable depth below the surface, decomposition goes on more slowly, whilst if it be placed in the grave uncoffined, especially if at no considerable depth below the surface, then the progress of decomposition will be very rapid; and this will be influenced again by the nature of the soil in which the body has been placed.

1305. Have you examined the skeletons now lying in the engine-room in these barracks; if so, give a general description of them, deseribing them as Nos. 1, 2, and 3?—I have examined three skeletons lying in a room in the square of these barracks; I did so first on 30th October last year, and I again examined them on the 23rd and 29th November; and yesterday I made a final examination of them. The three skeletons are those of male persons, and the bones of each of them have been more or less fractured. No. 3 skeleton, which I take to be the middle one, lying between the other two, is that of a comparatively young person; the skull of that skeleton has been severely fractured; I may almost say smashed into pieces; the right ilium portion of the pelvis or haunch bone is also fractured; the left scapula or shoulder blade, the lower jaw, and the atlas or first bone of the neck, are also all fractured. In No. 1 skeleton, the skull and left scapula are the parts I noticed as having been fractured particularly. The right ilium of No. 2 skeleton has also been fractured; there are some smaller

smaller fractures of the ribs and other bones; but I did not take those down very accurately. Several of the smaller bones are missing of those skeletons, chiefly the bones of the hands and feet.

1306. Except the smaller bones of which you have spoken, and the fractures, are the skeletons otherwise complete?—I consider them to be so.

1307. What is your opinion as to the length of time that these bodies have been buried, and do you think that they have all been put under ground at one time?—I have not ascertained in what manner the bodies of those particular skeletons were buried, and I cannot therefore answer the question, unless I obtain the necessary information. I most certainly think they were put under ground at the same time, so far as appearances go.

1308. In view of the climate of this country, how long a period of time would it require for a body to become as decomposed as you saw those bodies, if it were buried between 19 and 30 inches under ground uncoffined, and in a damp soil?—I should say, from my experience, that at the expiration of three or four months there would be such a complete decomposition of the soft parts, as to enable one to remove the bones in an unattached state, and within that period and 12 months, such a complete destruction of those soft parts would have taken place, as to determine a condition perfectly analagous to that in which I found those skeletons.

1309. What is your opinion as to the cause of the fractures to the several bones and skulls which you have described?—Fractures of the skull, and other parts of the body, may arise from various causes; I may inform the Court that the mode in which those injuries were caused has not been stated to me.

1310. Have you any experience of gun-shot wounds?—I have had to deal with cases of gun-shot wounds, but not with those of rifle bullets.

1311. In your examination of these skeletons, have you observed any supernumerary bones, that is, bones in addition to the ordinary numbers?—On the 23rd November, when I examined the skeletons, three bones were placed in my hand by Dr. Kerr as supernumerary bones; they were said to be supernumerary.

1312. Look at the bones produced to you, marked Nos. 1, 2, and 3, and say if they are the same you allude to as having been shown to you by Dr. Kerr?—These are the same bones that were shown to me by Dr. Kerr.

1313. What is that marked No. 1?—That is what is termed the anterior superior spinous process of the ilium, or haunch bone; I discovered that as soon as it was placed in my hands.

The ilium marked No. 4 being handed to the Witness, he at first declared that that was not the bone to which the fractured portion marked No. 1 belongs, but on further examination he finds that it does belong to that bone, and accordingly placed it in its position, and showed to the Court that it has been fractured from the ilium.

Before the further examination alluded to above was made, the remaining pelves were brought into Court, and after seeing that they were not fractured, the Witness made a closer examination of ilium No. 4, and then discovered his error.

1314. What are those marked No. 2 and No. 3?—I have not been able to make out to what bones these belong; in certain respects they resemble acromion processes of the scapulæ, but I cannot satisfy my mind that they actually belong to those bones.

1315. Did you at any time before affix that piece of bone, No. 1, to the same ilium to which you have now affixed it, namely, the ilium marked No. 4?—I may state to the Court that it was I who discovered that that piece of bone was a portion of the ilium; it was affixed in the presence of Dr. Kerr, and shown to him, and he at once concurred with me that it was part of the ilium.

1316. Would the bones of a person dying of cholera present any different appearance to the bones of a person who died, not having that disorder?—I see no reason for imagining that there would be any difference so far as the bones are concerned.

1317. *By Prisoner.*] Many of the small bones of the hands and feet being absent, how do you account for the fact that other similar bones are now in the engine-room; do you think they have decayed, or do you think they have not been produced through carelessness in the exhumation, or to what do you attribute their absence, bearing in mind that it has been stated on oath, by Dr. Kerr, that he removed all the bones and materials found in the graves?—It not unfrefrequently happens that, in the exhumation of bodies, these small bones become mixed with the earth, such bodies not having been interred in coffins, and in that way escape observation.

1318. Did you believe that bones Nos. 2 and 3 belonged to any of the three skeletons, and if not, what are they; are they human or bestial; do they not most resemble human acromion processes?—I have already stated that, to a certain extent, they resemble human acromion processes; I cannot make out that they belong to any of the three skeletons. The extent of my knowledge of comparative anatomy does not enable me to answer that part of the question relative to the bones of the lower animals.

1319. How would you describe those pieces of bones, Nos. 2 and 3, as an anatomist; describe them minutely; also describe an acromion process strictly anatomically, and state in what respect these pieces of bone differ?—

Before the Witness replied to this question the Court is cleared for deliberation.

The Court being re-opened, the President informs the prisoner that the Court desires that he should explain the relevancy of the question.

The Witness having already stated that though these bones to a certain extent re-resemble human acromion processes, yet, that he cannot make out that they belong to the three skeletons.

The Court therefore requests some explanation as to the bearing of an abstract question on anatomy, so as to enable them to follow the course of the cross-examination.

The Prisoner explains that his object is to obtain

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obtain from the Witness an explanation as to the points of difference between these bones and human acromion processes; and he is of opinion that this can be done only by a question of this nature.

The Witness is therefore requested to reply to the question as briefly as possible, consistently with clearness of statement.

The portions of bone marked 2 and 3 are flat in their character, of somewhat triangular shape, apparently perfectly symmetrical, having on their corresponding inner surfaces two facets, or articular surfaces, extending as high up as what might be called the apex of the triangle. The acromion process of a human scapula is also a flat bone, but more expanded, much wider, and larger than these two portions of bone, and somewhat more concave on their under surfaces, the outer edges irregular, and somewhat thinned. On its inner surface it has the same facet or articular surface, where it articulates with the outer extremity of the clavicle or collar bone. These surfaces in the human acromion process are generally speaking nearly half an inch from the point or extremity of the process. I know of no particular remark that I can make further in regard to these bones.

1320. What was your opinion of the age of these skeletons when you first saw them, and have you not expressed an opinion that they were of a considerable age; by age I mean length of interment?—When I inspected those skeletons on 30th October, and heard certain particulars in regard to them, I expressed an opinion that they could not have been interred beyond 12 months,

1321. Did you see No. 1 piece of bone before it was adapted to the ilium, and what was your opinion then as to its nature?—I saw it for the first time on 23rd of November; it was placed in my hand by Dr. Kerr; it at once struck me it belonged to an ilium; he handed me one, and I adapted it at once.

1322. Do you think that the colour of No. 1 fragment of bone was produced by handling, or if not, how do you account for it?—It is not improbable that that colour was determined by its proximity in the grave to some decomposing matter; it was detached by fracture from the ilium.

1323. You state that you at once formed an opinion that it belonged to an ilium, if so, state why you did; describe minutely, as an anatomist, the portion of the ilium you concluded it was, and how would you recognize it from any other piece of bone?—From my knowledge of anatomy, and having for a series of years been engaged in giving instructions to students in anatomy, I have become familiarised with the bones of the human subject, and had no difficulty in perceiving that that piece of bone was the anterior superior spinons process of the ilium; I know of no other piece of bone like it; had I known of such I would have called for it instead of the ilium.

1324. How do you account for the very small quantity of hair as belonging to these three men?—I imagine that the bodies having been buried in the earth uncoffined, that it has become mixed with the earth, and thus escaped observation.

1325. How long does hair of a body interred remain undecayed?—For a very considerable period of time; for many years.

1326. Can you state positively that the bones lying in the engine-room belong to three skeletons; has each bone been so carefully adapted to those with which it should articulate that as an anatomist you can give a decided opinion on this point?—During my examination of the three skeletons I never had any reason for thinking otherwise than that each skeleton was perfect; and on three different occasions I examined them carefully with Dr. Kerr.

1327. What kind of soils hastens or retards decomposition; have you had any practical experience on the subject of bodies buried without a coffin; be particular as regards the word "without;" if so, when and where, and how long were they buried?—I stated to the Court that I had frequently interred and exhumed portions of bodies; in those cases I had always observed that where the soil was clayey and moist, and mixed with decayed vegetable matter, decomposition progressed most rapidly; the interment of such limbs or portions of the body being at a depth of from 18 to 24 inches below the surface, but wherever the ground was dry, sandy, or gravelly, and of an absorbent character, decomposition did not proceed at the same rate, I make this statement as the result of my own observations; I have been present at the exhumation of one body only in this country without a coffin, but that body had only been interred a few weeks. The limbs, and portions I have spoken of, were without coffins.

1328. How many weeks?—About three weeks; I should think between two and three weeks; but it was many years ago; on the north side of the island; the body had only been covered with clothes in a grave, and I was present when it was raised, placed in a coffin, and re-interred.

1329. Are the bones 2 and 3 a pair; have you observed whether the six scapulæ of the three skeletons all have their acromion processes?—These bones 2 and 3, seem to be a pair; two scapulæ belonging to Nos. 2 and 3 skeletons, have the extremities of their acromion processes broken off, but these two do not appear to belong to them; I could not safely say they belong to them, I would not venture to swear to it, because there is not perfect adaptation.

1330. Look well at the bones 2 and 3; have they both an articulating facet or union edge; is such a facet natural to an acromion process for the articulation of the clavicle; if so, with what does it articulate?—I have stated in reply to a former question, that every acromion process has a facet or articulating surface on its inner aspect, to articulate with the clavicle or collar bone; each of these bones 2 and 3, has a facet; I have already stated so.

1331. Do you believe that the clothing of these men could, by interment of 11 months and four days, so disappear as to leave only a fragment of an inch square attached to a rib?—Much would depend on the description of clothing which the men wore at the time.

1332. Have you any other degree than that of Member of the Royal College of Surgeons, England?—No.

[The Witness withdraws.

Thirty-sixth Witness for Prosecution.

HENRY CLARKE, Clerk of Works in the Royal Engineer Department, being duly sworn, is questioned by the Prosecutor.

H. Clarke.
1 January 1867.

1333. *By Prosecutor.*] DID you go on duty to St. Thomas-in-the-East at any time; if so, say when and with whom?—With Dr. Kerr, on the 26th October last year.

1334. What did Dr. Kerr do, that you saw?—He got some labourers and opened a grave in the Duckenfield grass-piece, and was there all day looking after the taking up of three skeletons.

1335. Did you ever go at any other time than the 26th of October?—No; except with the members of this Court.

1336. When was that, as near as you can remember?—About the 1st or 2nd November, I think; it was a few days after I had previously been there. I recollect it was four or five days after I had been there.

1337. Try and test your memory, and say whether it was October or November that you went with the Court to St. Thomas-in-the-East?—I cannot recollect exactly as to days of the week; but it was, I believe, about the end of October or beginning of November.

1338. Did you ever give evidence before a court martial at Up Park Camp; if so, state when; state what day the Court first met, if you recollect?—I do not recollect the exact date; I recollect giving evidence, but not the day of the month.

1339. Do you know the Plantain Garden River Post Office?—Yes.

1340. Did you measure the distance from the Plantain Garden River Post Office to the place from which the bodies were exhumed by Dr. Kerr?—Yes; it is about 80 yards, as near as I can recollect.

1341. Were any other gentlemen present with you and Dr. Kerr?—Colonel Daniell was there, and Mr. Jackson in the evening. Mr. Chisholm, overseer of Golden Grove Estate, came there too.

1342. Do you remember when the members of this Court came to Jamaica?—I imagine it was 21st October, roughly guessing by the mail; but I would not be certain.

1343. *By Prisoner.*] As being in the Engineer Department, do you know the nature of soils, you being present at the exhumation of these three skeletons; do you think those bodies would be denuded of clothing in 11 months, that is judging from the nature of that soil from which you saw exhumed those bodies?—The chemical constituents of the soil would be the thing to find out; I could make no analysis of that; the soil appeared to me to be alluvial deposit, but it may have contained strong decomposing agents, or anything, as far as I know.

[The Witness withdraws.

Thirty-seventh Witness for Prosecution.

RICHARD RODEN FRANCIS, Labourer, residing on Holland Estate, being duly sworn, is questioned by the Prosecutor.

R. R. Francis.

1344. *By Prosecutor.*] Do you remember martial law?—Yes.

1345. Were you ever taken prisoner during martial law, and if so, tell by whom?—Yes, by Mr. Brooks, himself alone of the volunteers. There were Constables James Boyd, Allan Bignall, James Sproul, Richard Byon, Thomas Brown, Bevis Hunter, Johnny Hamilton; that is all.

1346. Where were you taken from and to?—Taken from Holland to Golden Grove.

1347. Did you stop anywhere before you got to Golden Grove; if so, tell where, and what you saw?—Yes, I stop at the Iron Bridge; I see three men shot.

1348. Where did you see the three men, and did you know any of them?—I only know one, Richard Walton; I saw them at the rail by the logwood corner.

1349. On what road?—The road Holland Bay way.

1350. Were they alive or dead; what sort of rail do you mean?—They were dead; a bamboo rail.

1351. What was done to you when you got to Golden Grove?—Flog me. When I first get to Golden Grove they put me in the mill-house; the mill-house is where they grind the cane at Golden Grove.

1352. What day was this that you saw the three men at the bamboo rail, dead?—Sunday day, 22nd October; I do not know what year.

1353. *By Prisoner.*] Did you give evidence at the trial of Ensign Cullen, or is this the first time you have given your evidence?—This is the first time I have kissed the book about this.

1354. Did you ever mention what you have stated to-day to any one before to-day; and to whom first did you mention it, and where?—I tell Colonel Daniell first in Kingston.

1355. Before you came to Kingston to Colonel Daniell, to whom did you mention it, in St. Thomas-in-the-East?—None at all.

1356. What made you say it was Sunday day, 22nd October, and yet you say you don't remember the year?—I remember it from the day, the year I don't remember at all.

1357. When was the first day you told Colonel Daniell, and what made you come up to him?—Monday gone—yesterday—I got a summons to come up.

1358. Can you read and write; and what day of the month was the Sunday before the 22nd October?—I can't read and write; I don't remember what that Sunday was.

1359. Who gave in your name to Colonel Daniell, and who examined you in St. Thomas-in-the-East, and then sent your name to Colonel Daniell?—I do not know who sent my name to Colonel Daniell. Nobody examine me in St. Thomas-in-the-East.

[The Witness withdraws.

Thirty-eighth Witness for Prosecution.

JAMES SPROUL, Cabinet-maker, residing on Holland Estate, being duly sworn, is questioned by the Prosecutor.

J. Sproul.
1 January 1867.

1360. *By Prosecutor.*] Do you remember martial law, and did you do duty as a constable during that time; if so, state when, and what you did?—I remember martial law. I did duty as a constable during that time. I commenced duty on the 16th October 1865; and on the 22nd Mr. Brooks, the volunteer, rode into Holland; and Speed, a constable, at Holland Bay; order us to took up prisoners, to take them to Golden Grove.

1361. Did you take up the prisoners; if so, state what other constables were with you, and if you went to Golden Grove with the prisoners?—Yes, I did take up the prisoners; there were John Hamilton, Bevis Hunter, James Boyd, Allan Bignail, and Richard Byon, constables. I went to Golden Grove with the prisoners.

1362. Did you stop on the way to Golden Grove, and did you see anything, and what made you stop?—When I got on the Iron Bridge, Mr. Brooks, the volunteer, order us to turn down the prisoners, to see the dead bodies, and we went down to the spot and saw three dead bodies. The spot was the Duckenfield grass-piece fence. It was a bamboo fence on the Holland Bay-road.

1363. What sort of bodies were they; did you know any of them?—They were three men—black men—only one I know, Richard Walton.

1364. Describe as well as you can how these bodies looked?—I saw the three of them, heads this way, down to the ground (*bending forward*); Richard Walton I saw with a piece of the flesh hanging over the face. Mr. Brooks then order us to go on to Golden Grove, and we went.

1365. What time of the day, as near as you can remember, was it that you got to the Iron Bridge?—As far as I can remember, it was betwixt 10 and 11 o'clock, but I can't be certain.

1366. Did you alone go to see the dead bodies of these three men?—No; I and the prisoners, and the rest of the constables.

1367. Did you take the prisoners on to Golden Grove; and what did you do with them when you got there?—I took them on to Golden Grove, and hand them over to the black soldiers.

1368. *By Prisoner.*] Is this the first time you have been examined on oath as a witness in respect to what you have stated to-day, and to whom first did you make the statements you have made to-day, and when and where?—To-day is the first time on oath. I made the statements first to Colonel Daniell yesterday, at his lodgings.

1369. When last did you see Mr. Brooks?—From the 22nd October 1865, I have not seen him up till now, this present minute.

1370. What time of the day did you leave Golden Grove on 22nd October 1865?—About two o'clock.

1371. *By Court.*] When you left Golden Grove where did you go?—I went direct to Holland Estate, over the Iron Bridge.

1372. On arriving at the Iron Bridge, did you go on to the bamboo fence, where you had seen three dead bodies tied?—I did not go back.

1373. Can you remember if you saw any white officers or soldiers at Golden Grove on that Sunday; if so, state who they were, if you know them?—Only Ensign Cullen, who gave me a written pass. I saw many white soldiers, but no officer except Ensign Cullen.

[The Witness withdraws.

Thirty-ninth Witness for Prosecution.

ALLAN BIGNALL, Schoolmaster and Tailor, on Holland Estate, being duly sworn, is questioned by the Prosecutor.

A. Bignall.

1374. *By Prosecutor.*] Do you remember martial law, and if so, were you ever employed as a constable during that time?—I remember martial law; I was employed then as a constable.

1375. Did you do any duty in going with prisoners; if so, state when and where to.—On Sunday morning, 22nd October 1865, I was at Holland, and saw Mr. Brooks ride into Holland from Golden Grove, and order us as constables to apprehend certain persons as prisoners. They were apprehended by us, and tied two by two, by order of Mr. Brooks, to take over to Golden Grove. On our way to Golden Grove, as soon as we got to the road which leads to Holland Bay, he ordered us to march the prisoners on that road—that is, the Holland Bay-road—to take an inspection of three dead men. We went, and, after having an inspection, he ordered us to march the prisoners on to Golden Grove. The prisoners were taken to Golden Grove Great House-yard, and from there conveyed over to the mill-house by black soldiers. I then left, and knew nothing more about them.

1376. What road did you take in going from Holland to Golden Grove?—It is the road which leads through the Holland works direct to the Iron Bridge.

1377. Did you go over the Iron Bridge—tell how far, as near as you can judge, down the road it was that you saw the three dead bodies?—I went over the Iron Bridge; to the best of my calculation, I think it is about fifty yards down to the road.

1378. You say Mr. Brooks ordered "us"; whom do you mean by us?—Myself and other constables; there names are, John Hamilton, Thomas Brown, Bevis Hunter, James Sproul, James Boyd, Richard Byon, Robert Speed, and myself.

1379. In what position, and where did you see the dead bodies?—I saw their hands tied aback of them upon a bamboo rail on the Duckenfield grass-piece fence.

1380. How did they look?—I observed the forehead of one of the men was projecting about three or four inches out; and another, the second one to him, one of his eyes was partly out, and their faces were stained with blood.

1381. Did you know any of these three dead men?

men?—No, I did not know them; they were black men.

1382. When you got to Golden Grove, did you see any officers?—Yes; I do not know how many, and I do not know any of them.

1383. What time of day, as near as you can judge, did you get to the Iron Bridge?—I should think it was between 10 and 11 o'clock.

1384. *By Prisoner.*] Did you give evidence on the trial of Ensign Cullen, or is this the first time you have given evidence on oath?—This is the first time.

1385. When first did you mention the statements you have made to-day, and to whom and where?—I never make mention of this statement before yesterday; I mentioned it then to Colonel Daniell at his residence.

1386. What time of the day did you leave Golden Grove on the Sunday you say you took the prisoners?—I think it was about two o'clock, or after.

1387. As a schoolmaster, I presume you can read and write?—Yes.

1388. Do you know a white officer from a white soldier?—Yes.

A. Bignall. 1 January 1867.

[The Witness withdraws.

The Prosecutor here intimates that he has in attendance five more witnesses whose evidence he considers unnecessary, as they merely corroborate statements already made; but he offers them for cross-examination if desired. Their names are Charles Robinson, Natty Wilkie, James Boyd, Richard Byon, and James Theodore Anderson; the first two speak to the alleged burial of the three bodies; and the other three to the alleged seeing of the dead bodies tied to the bamboo rail on Sunday morning, the 22nd October 1865.

The Prisoner declines cross-examination of these five witnesses.

The Prosecution closes.

The Deputy Judge Advocate here inquires of the Prisoner if he intends to adduce evidence. The latter replies in the affirmative, and craves the indulgence of the Court to grant him till Monday next, the 7th instant, to prepare his opening address and collect his witnesses, many of whom cannot be in Kingston before that time, not having been yet summoned, owing to his not being aware when the prosecution would terminate.

The court is cleared for the purpose of deliberating on the prisoner's request for an adjournment; and being re-opened, the President inquires of the Prisoner whether he cannot do with a shorter period of adjournment than that asked for, which the Court considers, under the circumstances, rather too long, as many of the witnesses for the defence are resident in this town, and their attendance therefore can readily be obtained.

The Prisoner respectfully urges his request, and the Court therefore grants his application; and at 3.40 p.m. adjourns till 10 a.m. 7th instant.

Sixteenth Day, 7th January 1867.

On Monday, the 7th of January 1867, at 10 a.m., the Court re-assembles pursuant to adjournment: Present, the whole of the Members.

Defence.

The Prisoner enters on his Defence, reads, with the Court's permission, an opening address which is marked (H.), signed in the usual manner and attached to the Proceedings, and then proceeds to call evidence.

First Witness for Defence.

Frances Thompson, residing at Stokes Hall, St. Thomas-in-the-East, being duly sworn, is questioned by the Prisoner.

1389. *By Prisoner.*] Do you know Mr. Brooks, the volunteer, a white man; did you attend him during martial law at Golden Grove; and who employed you?—I know Mr. Brooks; I attended him during martial law; Mr. Wilson employed me; Mr. Wilson is book-keeper at Golden Grove.

1390. Who was the overseer there?—Mr. Chisholm.

1391. Do you remember the day during martial law that you were first brought from Stokes Hall to Golden Grove, and employed by Mr. Wilson to attend Mr. Brooks?—Yes, it was on a Saturday; it is so long I really have forgotten the day of the month.

1392. How did you come from Stokes Hall to Golden Grove on that Saturday; was there a cart, and who was in it?—I was took by the volunteers down to Golden Grove on that Saturday; I walked; there was a cart and lots of all the book-keepers coming in it from Morant Bay. Mr. Wilson was one in the cart; Mr. Low, book-keeper at Golden Grove; Mr. Earle, the Hill House book-keeper at Golden Grove; Mr. Stewart, overseer at Holland at that time; another Mr. Wilson, book-keeper at Duckenfield; Mr. Jones, book-keeper at Winchester; Mr. Hill, book-keeper at Winchester; Mr. Frank M'Dermott, head overseer at Plantain Garden River; all these were in the cart; and there was

F. Thompson. 7 January 1867.

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Mr. Davis who is gone to Honduras, and is not here; and Mr. Mais, book-keeper at Golden Grove, was in the cart too.

1393. From what direction were the volunteers coming towards Stokes Hall and going to Golden Grove, that Saturday?—They came from Morant Bay, straight from Morant Bay.

1394. Do you know Mr. Sinclair, the overseer of Duckenfield; did you see him on that same Saturday on the road to Golden Grove?—Yes, I know him; he came with the cart riding.

1395. How was Mr. Brooks that same Saturday when you first saw him; was he put in the cart, or did he try to get there on the road to Golden Grove that Saturday?—When he came to Stokes Hall he was into the cart; I mean when the cart came to Stokes Hall, he was in the cart.

1396. How was Mr. Brooks that Saturday when he got to Golden Grove; was he well or sick, and what became of him that day; what was done for him, and by whom?—He was not well; he was sick; he was in the book-keepers' barracks that day after he came in. On Saturday night I gave him tea, because he had fever and ague.

1397. In whose room in the barracks was he put that Saturday night, and who attended him?—He was in Mr. Chisholm's room; I attended him.

1398. Did any medical man come to see Brooks that Saturday night, and who was he?—On Sunday night Dr. Alvarenga come to see him; nobody send for a doctor on Saturday night. Dr. Alvarenga had to give him an injection that Sunday night, and had to get hot bricks and hot water for his bowels; he had to give him medicine that Sunday night.

1399. Did you see Mr. Brooks on the Sunday morning in bed, at what time first, and afterwards; how was he then?—I saw him in bed on Sunday morning at 6 o'clock; I went back again at 7 o'clock, and gave him some tea. He had the fever then, and he told me that day he was very bad.

1400. How long was Mr. Brooks sick from that Saturday when you first attended him; state the days, each day by itself?—He was sick Sunday, Monday, Tuesday; and Wednesday he say he felt a little better, and he went over to the Great House for some clean clothes, and he came back and he had fever again, and from that he never was out till the next Monday. On that Monday they gave orders to all the book-keepers to return to their estates, and he went over to Holland Bay; and on Tuesday he was on his way to Kingston, for he passed Stokes Hall and bid me good-bye, and told me he did not expect to come back again, for he expect his discharge.

1401. While you were attending Mr. Brooks in the barracks on the Sunday, did he go out at all from Golden Grove that day; where did he remain all that Sunday?—I never missed him at all that Sunday; he remain in the barracks in his bed.

1402. When you came in from Stokes Hall with the volunteers on that Saturday, did you see any black soldier or corporal at Golden Grove; and if so, where was he on your arrival?—Corporal Hunter was the only soldier that I saw; he was over at the Big Barracks.

1403. *By Prosecutor.*] What made the volunteers take you from Stokes Hall to Golden Grove?—To go and provide anything for them; to see their meals get.

1404. How far is Stokes Hall from Golden Grove?—A mile, I think.

1405. What is your occupation at Stokes Hall?—Washer woman.

1406. Did all the persons whose names you have given as having come to Stokes Hall in the cart, go to Golden Grove in the cart?—Yes.

1407. Whose clothes are you in the habit of washing?—I wash for any one, no one in particular.

1408. Was Mr. Brooks sick when he came to Stokes Hall, or did he take sick afterwards?—He was in the cart and he was sick, but not as bad as Sunday; Sunday he was worse.

1409. You have said you put Mr. Brooks in Mr. Chisholm's room; does Mr. Chisholm keep a room in the barracks?—Yes, his own apartment in the barracks.

1410. When first in your life did you see Corporal Hunter?—I never saw him till that Saturday.

1411. What time of day did you first get to Golden Grove on the Saturday?—I think it was 2 o'clock.

1412. Did you remain at Golden Grove all that Sunday?—Yes.

1413. Did any of the people who went in the cart have horses with them?—Yes.

1414. Do you remember martial law, if so tell how soon after it it was that you attended Mr. Brooks?—I remember martial law; it was the next week; I attended Mr. Brooks; the first week the gentlemen all went to Kingston, and I think it was the third week they come back, because they were away a week. The martial law began on Thursday, and on Saturday the soldiers came and took away the gentlemen, and the next Saturday they returned.

1415. How soon after martial law began was it that you attended Mr. Brooks?—Martial law began on a Thursday and the soldiers took the gentlemen away on Saturday, and then they came back the next Saturday, and Mr. Brooks sick that day.

1416. Were there any soldiers at Golden Grove on the Sunday; if so, tell what sort?—I don't remember seeing any soldiers on Sunday, not black soldiers, but the white soldiers were at the barracks.

1417. Did you see any soldiers come to Golden Grove on the Saturday?—No, I did not, for I was not there in the morning till I came with the volunteers; and then Hunter was the only soldier I saw.

1418. Where did the white soldiers who were at the barracks on the Sunday come from; tell if you know?—I do not know.

1419. Did you see any prisoners brought to Golden Grove on the Sunday?—No, I never was out of the book-keepers' barracks all the Sunday. I did not see any at all till the Monday.

1420. Do you mean to say that you remained inside the book-keepers' barracks, the whole day, Sunday?—Yes, for I was *looking after getting* them things to eat, and I did not go out.

1421. Was any one else who was in the cart sick, or get sick at the same time as Mr. Brooks?—Mr. Mais was a little unwell in the cart, till he came to the barracks, when he was worse; Mr. Davis was a little unwell at Golden Grove at that same time and Mr. Low, when I went away to Stokes Hall. Mr. Low and Mr. Mais were left sick in the barracks.

[The Witness withdraws.

Second Witness for Defence.

ALFRED ALVARENGA, Druggist, residing at Golden Grove, is sworn.

The Witness appearing from some cause to be in a state unfit to give evidence, is directed to withdraw.

The Court is cleared for deliberation, and being re-opened, the Prisoner is requested to substitute another Witness in place of the person just sworn.

Third Witness for Defence.

JOHN MAIS, Overseer at Mullet Hall, St. Andrew's Parish, being duly sworn, is questioned by the Prisoner.

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1422. *By Prisoner.*] Do you know Mr. Brooks, late a book-keeper, at Golden Grove; a volunteer during martial law?—I do.

1423. Did you come with him and others from Morant Bay, past Stokes Hall to Golden Grove, during martial law?—I did on the 21st.

1424. Mention some of the names of those who were with you and him on the 21st, on that march?—Captain Adcock, Frank M'Dermott, Wilson—I do not recollect his Christian name, but he was book-keeper at Duckenfield at that time, and David Ford.

1425. Did you see a cart used on that march; do you know Francis Thompson, from Stokes Hall?—I did see a cart used; I do not know a person of that name.

1426. When you arrived at Golden Grove on that same day, was anything the matter with Mr. Brooks; what became of him that same day; was he well or sick?—He was sick when we arrived at Golden Grove; he stopped in barracks complaining.

1427. Do you know who was attending him on that same day, or on the next day, at the barracks?—Dr. Alvarenga came up on Saturday along with us, and he attended Mr. Brooks on Sunday.

1428. Were you a book-keeper at Golden Grove during martial law, or did you only go to St. Thomas-in-the-East on volunteer service?—I was a book-keeper at Golden Grove.

1429. How do you know Mr. Brooks was sick then at Golden Grove? Where did you see him sick?—When he was first coming up with us on the Saturday he was sick and was obliged to sit in one of the carts; that was on the march from Morant Bay to Golden Grove.

1430. Did you see Mr. Brooks on the Sunday; how was he then, well or sick? Did you see him with any prisoners at all on that Sunday; did he leave Golden Grove that day at all?—I did see him on the Sunday, the day after we came in; he was sick. I did not see him with any prisoners on that Sunday; he did not leave Golden Grove that day, to my knowledge.

1431. Do you know Mr. Brooks' handwriting well?—I do.

1432. Look at this book, and state whether the writing in pencil on two pages is his, to the best of your belief—one page with no printing on it, and one page with printed words on it?

Before this question was read out to the witness, the court is cleared for deliberation. On being re-opened, the prisoner is asked for an explanation as to his reasons for not having cross-examined Mr. Brooks respecting this book when he was before the Court; and further, the Court desires that he will give his reasons for claiming to put in a book to discredit a witness, with regard to which that witness has not been asked any questions.

The prisoner hands in the following explanation:—

The book was not obtained, and was not known of till after Brooks had been examined; it was not shown to any one on my behalf till this Monday week last, when it was discovered at Golden Grove Barracks in the possession of Wilson and McKie, book-keepers and intended witnesses, and by them, or one of them, handed over to my professional friend through another witness of the name of Cox. The prosecutor would have every proper right of recalling Brooks in rebutter to explain it, and anything material for the prosecution.

The question and book being shown to the prosecutor, he states that he offers no objection to the former being answered, provided it be understood that he may recall Mr. Brooks if he considers it necessary to do so on this point—

The question is, therefore, read to the witness, and he is directed to reply to it.

—Yes; the writing throughout on both pages, to the best of my belief, is Mr. Brooks', including the signature on the second page.

The book in question is a Letts' Diary, No. 12, 1844, and the writing in pencil is on the first blank page, and on the reverse of that page being January 1st, 2nd, and 3rd.

At the prisoner's request, the writing in pencil on these two pages is read out in court by the Deputy Judge Advocate.

1433. *By Prosecutor.*] Who is the owner and attorney of Mullet Hall?—Mrs. Campbell is the owner; there is no attorney.

1434. You say that Brooks got into the cart on Saturday; were there any other people in the cart?—Yes, there were.

1435. Look again at the two pages of the book, and say if all the writing on both pages is of the same handwriting?—Yes, they are.

1436. Had Brooks a horse with him on the journey from Morant Bay to Golden Grove?—No.

1437. Did you see much of Brooks that Saturday evening after you arrived at Golden Grove?—I did.

1438. What situation did you fill during martial law?—Book-keeper on Golden Grove estate.

1439. Where did you go to after you arrived

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at Golden Grove that Saturday?—I stopped at Golden Grove.

1440. You have said Brooks was sick on the Saturday; what was the matter with him?—He was complaining of fever and pains in his stomach.

1441. Did you see any prisoners brought into Golden Grove on the Sunday?—Yes, I did.

1442. Where did they come from, and how many?—I can't say where they came from, nor how many, as several came in at different times.

1443. Who brought them; if you cannot tell all, tell some?—The Maroons brought in some; I cannot say by whom others were brought in; I know they were brought, but I did not particularly see who brought them.

1444. How did you occupy yourself during the whole of that same day?—I was not very well; I was suffering from pains; I was in barracks the whole day.

1445. *By Court.*] Do you remember the month and the year these circumstances occurred in?—They occurred in 1865; if I am not mistaken, it was October.

1446. You have said Dr. Alvarenga attended Mr. Brooks on that Sunday; at what hour was that?—He came there about 10 a.m., that is, to the barracks, where Brooks was sick; about 10 a.m.; and I know he attended him then.

1447. When you were sick in barracks, were you in the same room with Brooks?—I was in the next room to Brooks.

1448. Had Brooks any one to nurse him while sick; if so, whom?—Yes, he had a woman nursing him; her name was Fanny; she came from Stokes Hall.

1449. How far is Stokes Hall from Golden Grove Great House?—At the utmost, it could not be more than a mile and a quarter, for it is a neighbouring property.

[The Witness withdraws.

Fourth Witness for Defence.

JAMES CRUICKSHANKS, Master Carpenter and Assistant Engineering at Lavering Hall, St. Thomas-in-the-East, being duly sworn, is questioned by the Prisoner.

J. Cruickshanks.

1450. *By Prisoner.*] DURING martial law, what was your occupation, and where were you; do you remember the day during martial law that volunteers and others came to Golden Grove from the direction of Stokes Hall and Morant Bay; did you see them on their arrival at Golden Grove?—I was then in charge of the Great House at Golden Grove; I saw volunteers and others arrive at Golden Grove about two p.m. on Saturday, 21st October 1865.

1451. Before those volunteers came into Golden Grove on that Saturday, did you see any black soldier or corporal at or near Golden Grove Great House or barracks, or about there, that same Saturday; if so, who was he; about how long was he there before the volunteers arrived?—There was Corporal Hunter and two or three others; about two hours before the rest of the regiment arrived to which he belongs, the 1st West India Regiment. It was after nine a.m.; I did not note the time.

1452. Did you on the Sunday following that Saturday see any prisoners brought into Golden Grove by the main road between the church and Great House, or else how; by Mr. Brooks, the volunteer and book-keeper?—No, I cannot say; I did not see them, but they could not have been brought in by Mr. Brooks, past the church, because I would have seen them; during the whole day I was very busy providing for the troops, and I did not notice how many might have been brought in.

1453. Do you know "Fanny," or Frances Thompson; did you see her here this morning as a witness, and did you see her during martial law at Golden Grove?—I know her; I saw her here this morning, and at Golden Grove during martial law.

1454. What was she doing at Golden Grove during martial law, to the best of your belief; who gave out rations, articles of food, and nourishment; who had charge of such things at Golden Grove?—I think she was first made assistant cook, and afterwards Mr. Chisholm appointed her to attend the sick, Mr. Brooks, who was very sick, and young Mr. Mais; I gave out the articles of food.

1455. Whereabouts would prisoners be put when first brought in to Golden Grove; could anybody in or about the square readily see prisoners brought in by the road from the direction of the Post-office; is it all an open place between the several buildings?—Prisoners would first be put underneath the Great House; anybody in or about the square could see prisoners brought in by the road from the Post-office; it is all quite open between the several buildings.

1456. Do you know of your own knowledge whether Mr. Alvarenga, of Golden Grove, was attending, or was called to attend Mr. Brooks while he (Mr. Brooks) was sick, as you stated?—I know of my own knowledge the whole time he was attending Mr. Brooks and Mr. Mais, for he came daily to the Great House and ordered such nourishment as tea, as was required for him, or such as he called for.

1457. On the 21st October, the Saturday, did you hear any report of any three men being shot at or near the Iron Bridge on that day; when first did you hear of any such report, if at all?—I never heard any such report on the 21st, nor for some time; for a long time afterwards, till it began to be rumoured about; I first heard of it when the Commission came to inquire about men being shot at the Iron Bridge.

1458. How long had you known Corporal Hunter; is he a St. Thomas-in-the-East man, or not?—Yes; he is from St. Thomas-in-the-East; he was born at Dalvey; I have known him from a child; and his father I know also, as he was a carpenter employed by me at Golden Grove.

1459. *By Prosecutor.*] Where do you say you were employed during martial law?—At Golden Grove Great House.

1460. Where are you employed now?—At Golden Grove still, as master carpenter.

1461. Have you been employed on the estate all the intermediate time?—Yes.

1462. *By Court.*] Which came in first on Saturday, 21st October, to Golden Grove, the volunteers

or

or the party of the 1st West India Regiment?—The volunteers from Morant Bay arrived first.

1463. At what time did the party of the 1st West India Regiment arrive?—It was some time after 2 p.m.; some time after the volunteers, but I cannot state the exact time.

[The Witness withdraws.

Fifth Witness for Defence.

ALEXANDER LOW, Planter, at Golden Grove Estate, being duly sworn, is questioned by the Prisoner.

1464. *By Prisoner.*] WERE you a book-keeper on Golden Grove during martial law; did you come with volunteers and others to Golden Grove from the direction of Morant Bay and Stokes Hall, and when; and was Mr. Brooks then on the road with you and others?—I was a book-keeper at Golden Grove during martial law. I came on the 21st October 1865 to Golden Grove, from Morant Bay; Mr. Brooks was then with us.

1465. State what you know about the health of Mr. Brooks on that Saturday and the Sunday following. State as to each day for itself. On the road and at the barracks how was he?—I was coming up from Morant Bay on the 21st; Mr. Brooks took sick on the way coming, and all that night. Dr. Alvarenga attended him the next morning, Sunday morning; and he likewise attended me at the same time.

1466. In what building at Golden Grove was Mr. Brooks when he was sick on the Saturday night and the Sunday?—In the barracks.

1467. Are those barracks the same quarters in which you were then laid up sick?—Yes.

1468. Did you see Mr. Brooks, on the Sunday, go out or bring in any number of prisoners; was he in a fit state to be able to leave Golden Grove that Sunday?—I did not see him go out or bring in any prisoners; he was not in a fit state to leave Golden Grove that Sunday, that is, the 22nd, the day after we arrived from Morant Bay.

1469. Who attended and nursed Mr. Brooks besides the medical man on the Saturday and Sunday; who nursed you?—It was a woman from Stokes Hall; but I forget her name, except that it was Fanny; the same woman nursed me.

1470. *By Prosecutor.*] Where are you employed now, and where have you been employed all the time since martial law?—I am employed now at Golden Grove, and have been ever since martial law.

1471. Did you keep your room on the 22nd of October 1865, the Sunday?—No; I did not keep my room all day.

1472. When were you in and when out of your room, that Sunday?—I came out between 10 and 11 a.m., and went back at night.

1473. What did you do between the time of coming out and returning?—Walked up and down the barracks.

1474. Did you see any prisoners flogged that Sunday; if so, tell how many?—I did not see any prisoners flogged on that day.

1475. Did you see any prisoners brought into Golden Grove on that Sunday after you left your room?—Yes; I saw four from Bath, brought by Maroons; I saw no others.

1476. Did you and Brooks sleep in the same room?—No.

1477. Did Dr. Alvarenga see you in the morning before you left your room?—Yes, he did, on Sunday.

1478. Did you see Brooks walking about that Sunday?—No.

1479. Did you see Brooks at all that Sunday?—Yes; I saw him in the morning.

1480. Was that after you came out of your room?—Yes.

1481. Where did you see him?—In his room.

1482. Did you leave Golden Grove at any time during the disturbances of 1865; and if so, why?—Yes; I went out on a foraging party round by Stokes Hall and Hampton Court, on the 23rd October 1865.

1483. You are asked if you left Golden Grove before any military or other aid came to the estate?—No; I never left Golden Grove before the soldiers came there.

1484. *By Prisoner.*] When you saw Brooks in his room, after you came out of yours on the Sunday morning, whereabouts and how was he; in that room?—He was lying upon his bed; I cannot tell how he was; but he was in bed; he had his trousers on.

1485. *By Court.*] How did Mr. Brooks go to Golden Grove that Saturday with you and the other volunteers?—He came part of the way in a cart, and part of the way on horseback. Mr. Chisholm ordered him out of the cart, but he would not come.

1486. What became of Mr. Brooks' horse when he got into the cart?—He had no horse of his own at Morant Bay. I do not know what became of the horse he rode on part of the way. He was in the cart the first part of the way, and rode the other part.

1487. Was he in the cart or on horseback when he reached Golden Grove?—He was riding then.

1488. How do you know that Dr. Alvarenga attended Mr. Brooks on the Sunday?—Because I heard him go into Brooks's room, and there was nobody else walking there at the time, as they were all out.

1489. Do you know at what time Dr. Alvarenga attended Mr. Brooks on that Sunday?—Between nine and ten o'clock in the morning.

1490. At what hour did you see Mr. Brooks on the Sunday?—About 11·30 a.m.

1491. You have said you did not see Mr. Brooks go out on Sunday. Could he have left Golden Grove Estate on that morning without your knowledge?—No, he could not. The doctor was attending him in the morning. I would have heard him if he had gone out before the doctor attended him. I was lying in the third room from Mr. Brooks.

1492. Is there a common hall into which the doors of the bed-rooms open?—There is a piazza right along into which the bed-room doors open.

[The Witness withdraws

Sixth Witness for Defence.

ROBERT JOHN STUART, Planter at Golden Grove, being duly sworn, is questioned by the Prisoner.

R. J. Stuart.
7 January 1867.

1493. *By Prisoner.*] WHAT was your occupation during martial law, and where and with whom were you about the time that volunteers and others came from Morant Bay to Golden Grove, past Stokes Hall during martial law?—I was a planter at Holland Bay during martial law; I came with volunteers from Morant Bay past Stokes Hall to Golden Grove, on the 21st October 1865.

1494. Did you see Mr. Brooks, the volunteer and book-keeper, on Saturday, the 21st; and where first; how was he then?—At Morant Bay I saw him first, on the 21st; he was in good health in the morning.

1495. On the road, that route, did you see a cart near Stokes Hall, or on the road, and who was in it?—I saw a cart on the road near Stokes Hall; I saw the cart the whole way along the road. Mr. Brooks was in it, complaining of being sick.

It being now 4 p.m., the Court adjourns till 10 a.m. to-morrow, the 8th instant.

SEVENTEENTH DAY, 8th January 1867.

On Tuesday, the 8th January 1867, at 10 a.m., the Court re-assembles, pursuant to adjournment, present the same Members as yesterday; and proceeds with the Examination in chief of ROBERT JOHN STUART.

R. J. Stuart.
8 January 1867.

1496. *By Prisoner.*] WHAT became of Mr. Brooks that Saturday evening, to your knowledge?—He was at the Golden Grove Barracks all the time.

1497. Was he well or ill that night, to the best of your knowledge?—He was sick that night.

1498. Do you know the room in which he was sick that night?—I do; it was in Mr. Chisholm's room.

1499. How many bed-rooms are there, together with Mr. Chisholm's room, opening on the piazza; are they all quite close to each other, next to each other?—There are three on Mr. Chisholm's side, all opening on to the piazza, and all close to each other.

1500. Did you see Mr. Brooks on the Sunday morning, and where; and was he then ill or well, or in bed, or how?—I saw him on Sunday morning, before seven o'clock, in his room, complaining of being sick. I forget at the time whether he was in bed or not.

1501. Do you know who were attending him as nurse and doctor. Speak of your own knowledge, please?—One Fanny Thompson was attending him as nurse; Alvarenga as doctor.

1502. Did Mr. Brooks bring in any prisoners on that Sunday to Golden Grove in your presence, or to your knowledge?—He never brought in any prisoners in my presence on Sunday, 22nd, nor to my knowledge did he bring in any prisoners at all.

1503. Did Mr. Brooks go out of Golden Grove, to your knowledge, that same Sunday?—He never went out, to my knowledge, that day.

1504. Was Mr. Brooks a very active man in the performance of his volunteer duties during martial law?—He was not active at all; he never performed any duties that I know.

1505. On that 21st day of October, the Saturday, did you hear of any three men being shot near the Iron Bridge on that Saturday; when first, if at all, did you hear any such report?—I never heard of any three men being shot on Saturday; I first heard of it about the 1st April.

1506. *By Prosecutor.*] Did you know a man named Samuel Walker belonging to, or residing on or near, Holland Estate, just before and up to the early part of martial law?—I did.

1507. What became of that man?—He was executed, I believe, at Manchioneal.

1508. Did you know a man named Samuel Bruton, residing on or near Holland Estate, during or just before martial law?—I do not remember him.

1509. Did you ever write a paper with the name of Samuel Bruton on it as a man to be taken up?—No; I never remember doing such a thing of a man named Samuel Bruton.

1510. Did you ever write any paper with one or any other number of names on it of persons to be taken up?—Yes, I wrote a paper.

1511. Did you ever see that paper again?—Never saw it again.

1512. What became of it?—I cannot say.

1513. Can you tell, as a matter of fact, what persons you at any time suggested should be taken up?—I cannot tell the number, but I can some names: Samuel Walker, Allen Rose, Richard Roden; that is all I can recollect.

1514. Were Samuel Walker, Allen Rose, and Richard Roden, taken up?—I do not know myself, but the man who took them up told me he brought them from Holland Pimento; that is the names of the negro houses. I saw them after they were taken up.

1515. Who was the man that brought them up, and to what place?—Isaac Cornwall; they were brought to Golden Grove.

1516. When were they brought to Golden Grove?—Some time on Sunday, the 22nd.

1517. Who accompanied Isaac Cornwall?—I cannot say.

1518. Do you know a man named Bevis Hunter; did you see him on that Sunday (22nd), at Golden Grove?—I know Bevis Hunter; I did not see him that day at Golden Grove.

1519. Do you know Thomas Brown and James Spronl; did you see either of them at Golden Grove on that day (22nd)?—I know the two men;

men; I did not see them on the 22nd at Golden Grove.

1520. Do you know Allan Bignall, Robert Speed, John Hamilton; did you see any of them at Golden Grove on the 22nd?—I did not see any of them at Golden Grove on the 22nd; I know them all.

1521. Did you see the prisoners brought in to Golden Grove on that 22nd of October, or did you see them afterwards, and when and where?—I did not see them brought in; I saw them at Golden Grove, in the Mill-house; it was in the afternoon I came in; they were brought in before that.

1522. What was done to the prisoners, that is, Rose and Roden, at Golden Grove on that Sunday, or the day after?—There was nothing done to them on the Sunday, that I remember. Roden was flogged the day after. Nothing was done to Rose at Golden Grove that I know.

1523. You say you saw the prisoners in the afternoon when you came in; where did you come in from?—I was out with the troop that day; the last place we come from was Winchester negro houses.

1524. How many prisoners, as near as you can remember, did you see in the Mill-house?—I cannot remember how many; there might be about 20.

1525. What hour of the day did you go out with the troop?—Seven a.m.

1526. And at what hour did you return?—As near as I can remember, it was about 3 p.m., or it might be after that.

1527. You have said Dr. Alvarenga attended Mr. Brooks on Sunday; at what hour of the day did you see him attending?—I saw him that afternoon.

1528. You have said you did not see the prisoners come to Golden Grove on the 22nd, how then do you know that Isaac Cornwall brought the prisoners?—He told me he had brought them, and I saw him on the 22nd after they were in.

1529. What prisoners did Cornwall tell you he had brought, the whole you saw in the Mill-house, or any, and what portion?—The prisoner objects to this question on the following grounds:

The Court can only hear evidence on oath. Cornwall ought to give his evidence on oath. The statement to the witness by Cornwall is not on oath, and, therefore, is not evidence. What Cornwall told the witness in conversation, in the absence of the prisoner, is no evidence against the prisoner.

The Prosecutor replies—

The witness has said that he was told that "Isaac Cornwall brought the prisoners;" he then said "he was not present when the prisoners were brought." This, after being cautioned that he was only to speak of facts within his own knowledge, when he is tested by a question to the effect, "You have said that Cornwall brought in the prisoners, and again, that you were not present when the prisoners were in; how then do you know that Cornwall brought them?" he says Cornwall told him so; it is therefore in this stage competent to the prosecutor, and his right to test further the witness's statement, and to lay such a foundation as may seem necessary for showing that Cornwall never made any such statement, or that the prisoners, of whom Cornwall spoke, were not the same prisoners who were the subject of the inquiry to which the witness gave the first answer.

The Prisoner rejoins—

The Prosecutor got the fact of Cornwall having told him about prisoners. It is submitted that it is contrary to the rules of evidence to get out any detail of that conversation not on oath, held too in the absence of the prisoner. All this arose on the prosecutor's own questions.

The Court is cleared for deliberation,—decides that the question, in its present form is inadmissible; and, being re-opened, this decision is announced.

1530. *By Prosecutor.*] Where were you employed during martial law, and in what capacity?—I was overseer on Holland Estate.

1531. What is meant by the term Holland Pimento?—The negro houses on the estate.

1532. How near did you go to the prisoners who were in the Mill-house at Golden Grove?—I went into the Mill-house on Sunday.

1533. Can you give the names of any other of the prisoners besides those three you have already named?—No.

1534. *By Prisoner.*] You spoke of negro houses at Holland Pimento, at what distance are they from Golden Grove; are they all scattered about in different parts, or all close together?—It is about two miles from Golden Grove, as near as I can guess; they are not scattered far apart; they are close, like a negro village.

1535. Is there, or not, a road leading from Holland Estate, where negro houses are, to the road that leads from Quaa Hill through Amity Hall on to the Iron Bridge, and can you not come that way (without coming on the Holland Bay-road) to the Iron Bridge and on to Golden Grove?—Yes, there is; you can come that way by the Iron Bridge; you meet the Holland Bay-road at the Iron Bridge.

1536. You spoke of seeing prisoners in the Mill-house; did you see Maroons at Golden Grove on this Sunday when you were near the Mill-house or the works, and can you tell the names of any such Maroons?—I saw Maroons at Golden Grove on the Sunday, in the afternoon, but I cannot tell any of their names.

1537. You say you suggested names of persons to be taken up; did you ever tell Mr. Brooks to go on that Sunday to take up the three persons whose names you state you suggested to be taken up?—I never told Mr. Brooks to go.

[The Witness withdraws.

Second Witness for Defence re-called.

ALFRED ALVARENGA, Druggist at Golden Grove, being re-called and re-sworn, is questioned by the Prisoner.

Alfred Alvarenga.

8 January 1867.

1538. *By Prisoner.*] WHERE did you reside during martial law, and what then was your occupation; were you with volunteers and others on a route from Morant Bay, past Stokes Hall, to Golden Grove, and, if so, state the day?—I resided, during martial law, at Golden Grove; I was assistant to Dr. Crowdy at that time; I was with volunteers from Morant Bay, and passed Stokes Hall, going to Golden Grove on the 21st October 1865.

1539. Did you see Mr. Brooks, then a book-keeper and a volunteer, on that route, and where was he and how was he, on that road?—When we got to about Leith Hall, near to Port Morant, he complained that he was sick with fever; he was in a cart then, and, as we stopped at Leith Hall a little, he came out of the cart.

1540. Did you and Mr. Brooks come on towards Stokes Hall and thence to Golden Grove that same day, and what became of the cart?—Yes; he and I came on together; now and then he walked, and now and then he got a lift; the cart was one of the Golden Grove carts, it belonged to the same property.

1541. Were you called on to attend Mr. Brooks medically on that Saturday when you got to Golden Grove?—Yes.

1542. Did you attend him, and whereabouts; how was he; and what did you do for him then on that Saturday?—I attended him on that Saturday in the barracks; in one of the rooms of the overseer's apartments; he complained of fever and he was costive; I gave him a couple of pills.

1543. Did you see him again on the Sunday; the next day; state the hours as accurately as you can when you saw him at the barracks that Sunday?—I went and saw him on the Sunday morning about seven o'clock; I won't swear to the hour; I then saw him at eight o'clock, and again at 10 a.m.; at ten I ordered him to be put in a warm bath; told the nurse who was there.

1544. Where, in what room, was he seen by you at about seven, eight, and 10 a.m.; and in what state was he then?—He was still in the same room that he was in on Saturday night; the room that Mr. Chisholm occupied previous to martial law; he was in a state of debility when I left him at that time.

1545. Did you, as a fact, give him any advice then about himself?—I told him about ten o'clock "better not go out, and I would see him again by-and-bye," and I then went away.

1546. Did you attend him again afterwards on the same Sunday or Sunday night in the same barracks?—The nurse came and called me, I think, about 7 p.m. that Sunday, and said Mr. Brooks was worse; I went over, saw him, and gave him an enema.

1547. Do you know the name of the nurse you saw, or the name she goes by; if so, state that name?—She is called Frances Thompson.

1548. *By Prosecutor.*] Who called upon you to attend to Mr. Brooks on the Saturday?—I do not remember; I was going over to the Great House and heard he was still sick, but I do not remember who said it.

1549. When you saw him on the Saturday night, had he fever on him?—Yes; he had fever on him.

1550. When you saw him on Sunday morning, had he fever on him?—Yes; he had fever on Sunday morning.

1551. Had he fever on him when you saw him on Sunday evening?—Yes; he had fever.

1552. What brought on the state of debility you speak of?—He had been living in the woods, and running about; and he had had a long walk, with a lift now and then, from Morant Bay; it was exhaustion.

1553. Did you prescribe any medicine for him between the pills of Saturday night and the enema of Sunday night?—I gave him a powder on Sunday night after the enema; on Sunday morning, about eight o'clock, I gave him a dose of calomel.

1554. Did you give him any other medicine at any time, if so, tell when and what?—On Wednesday I gave him a little quinine as he had no fever.

1555. Did you see him take any of the medicines you prescribed?—Yes.

1556. Was it that Mr. Brooks was very ill, or for what other reason that you paid him three visits so quickly after each other as seven and eight and 10 a.m. on that Sunday?—He is a relative of mine, and I went over of my own accord to see him.

1557. Why then did you leave him from 10 a.m. till you were called again at 7 p.m. that Sunday?—Because he was not dangerously ill; I keep a drug shop, and I left him then to look after my own business.

[The Witness withdraws.

Seventh Witness for Defence.

DAVID FORD, Coppersmith, Lloyds Penn, St. David's Parish, being duly sworn, is questioned by the Prisoner.

David Ford.

1558. *By Prisoner.*] Is Lloyds your own property; do you work in St. Thomas-in-the-East on the estates?—Lloyds is my own property, and I work on the estates in St. Thomas-in-the-East.

1559. Where were you during martial law; what rank did you then hold; did you come with volunteers and others from Morant Bay, past Stokes Hall, to Golden Grove, and, if so, when was that?—I was in St. Thomas-in-the-East during martial law; I was second serjeant in Ford's Irregular Volunteers; I went from Morant Bay to Golden Grove with volunteers on Saturday 21st October.

1560. Did

1560. Did you see Mr. Brooks, the volunteer and book-keeper, on that march; can you tell what became of Mr. Brooks that Saturday and that Sunday to your own knowledge; state, as accurately as you can, what you know?—I saw him on that march; Mr. Brooks accompanied us on that Saturday from Morant Bay to Golden Grove; he complained of being sick on the route, and rode in a cart nearly all the way; to the best of my knowledge he remained sick at Golden Grove that Saturday and the Sunday.

1561. Did you leave Golden Grove that Sunday at all?—I did not.

1562. Who had charge of the barracks, the overseer's and book-keeper's house; who had charge of the Great House on that Sunday at Golden Grove?—I had charge of the barracks; the overseer's and book-keeper's quarters composed the barracks at that time; I cannot remember who had charge of the Great House.

1563. Was Mr. Brooks under you as a volunteer at the time spoken of?—He was.

1564. If prisoners were brought in by a volunteer under you in your company, to whom would such prisoners be reported in the absence of others; to whom on that Sunday would prisoners be reported by any volunteer in Ford's Irregulars?—To me.

1565. Did you give Mr. Brooks any leave to go out of Golden Grove that Sunday, or did he report to you that Sunday that he had been out and had brought in any prisoners at all on that Sunday to Golden Grove?—I did not give him leave, nor did he report to me that he had brought prisoners in.

1566. Where, and in what room, did you see Mr. Brooks on the Sunday?—In the room which had been occupied by Mr. Chisholm previous to the rebellion, next the dining hall.

1567. You remained, you say, at Golden Grove all the Sunday; where was Captain Ford when you were left there?—All the men who were mounted went out in the morning, and, to the best of my knowledge, Captain Ford went out with Captain Adcock.

1568. Tell or show the Court the whole length and width of the hall or piazza on which that room, in which Mr. Brooks was, opens. Confine your attention first to that room, and the two next, on the same hall?—The length of the piazza and of the three rooms which occupy the same length, I should say, as near as I could guess, is between 10 or 11 paces; and the breadth of the piazza, I should think, is about a third of its length.

1569. Can any person from either of those three rooms go away from the house except by first coming into that hall or piazza, or can any person go into those three rooms without first coming into that hall or piazza?—No, you can't.

1570. Were any prisoners, to your knowledge or in your presence, on that Sunday brought in by Mr. Brooks to Golden Grove?—Not to my knowledge.

1571. You said you worked on estates in St. Thomas-in-the-East; did your work on the estates give you means of being amongst all classes of people in the Plantain Garden River District generally?—Amongst the overseers and book-keepers principally.

1572. Did you on the Saturday, the 21st October, during martial law, hear of any three men being shot at or near the Iron Bridge on that day, Saturday, or hear at all subsequently of any such report; and if so, when first?—I heard nothing of any persons being shot at the Iron Bridge during the rebellion for a long time afterwards; I was in Kingston when I first heard it. I cannot remember the time, but it was either whilst the commission was sitting in Spanish Town or after.

1573. Was Mr. Brooks a very active man in the discharge of his duties as a volunteer during martial law?—Well, I thought him the laziest I had in the company.

1574. *By Prosecutor.*] You have spoken of Captain Ford; was he in authority over you and Mr. Brooks?—He was; at least I understood so.

1575. Did you see any prisoners brought into Golden Grove Estate that Sunday, 22nd October, by anyone?—I can't remember exactly the dates, but there were some brought in every day. I cannot particularly recollect about that Sunday, but to the best of my knowledge some were brought in every day while we remained there.

1576. Whereabouts on Golden Grove did you remain that Sunday, 22nd October 1865, during the whole day?—I did not remain in any one place, but I was chiefly in the barracks, as I was in command of it, and I was also about in the yard.

1577. Did you see Mr. Brooks on that Sunday?—I did.

1578. When did you see him?—I can't state the hour; to the best of my recollection, he was in his room all day.

1579. Where did you see him?—In the barracks.

1580. In what part of the barracks?—In the room he occupied.

1581. Did you go into the room?—I did.

1582. How often did you go into the room?—I can't remember now.

1583. Do you work for Golden Grove Estate?—I do.

1584. Do you know any of the men named Bevis Hunter, James Sproul, Robert Speed, John Hamilton, Allan Bignall, and Thomas Brown, residing on or near Holland Estate?—No.

1585. *By Prisoner.*] You say you can't state the hour when you saw Mr. Brooks on the Sunday; were you, or not, frequently in the barracks and in Brooks' room that Sunday; did you miss him at all that Sunday from the barracks, or have you any good reason whatever to believe that he was absent from those barracks that Sunday?—I was frequently in the barracks, but I can't remember if I was frequently in Mr. Brooks' room. I did not miss him at all that Sunday from the barracks. To the best of my knowledge, he was not absent that day.

1586. At that time were there any doors on these bed-rooms in the barracks opening on to the hall, or were they all open or not?—There were portions of doors, but they had been smashed up; they were all open.

[The Witness withdraws.

Eighth Witness for Defence.

MICHAEL CUFFE MYERS, Coppersmith, residing at Lloyds, St. David's Parish, being duly sworn, is questioned by the Prisoner.

M. C. Myers.
8 January 1867.

1587. *By Prisoner.*] Do you know Mr. Brooks, a book-keeper and volunteer; did you see him during martial law on a route from Morant Bay to Stokes Hall and Golden Grove; state the day; were you a volunteer with Mr. Brooks in the same company during martial law?—I was a volunteer with Mr. Brooks in the same company with him, and left Morant Bay on the 21st October 1865, and went to Golden Grove.

1588. Can you tell how Mr. Brooks was on that 21st October 1865, just before or when he got to Golden Grove; was he well or sick?—He complained of being unwell on the day we went up there.

1589. Where did he stay that night of the 21st October 1865, and how was he then?—He was at Golden Grove Barracks with all of us that night; he still complained of being sick, of being unwell.

1590. Did you remain on the next day after this 21st October 1865 at Golden Grove, a Sunday, and did you see Mr. Brooks that day; did he leave the barracks that Sunday to your knowledge?—I remained at Golden Grove that Sunday; I saw Mr. Brooks that day. To the best of my knowledge, he did not leave the barracks that day.

1591. Did Mr. Brooks, in your presence or to your knowledge, bring in any prisoners to Golden Grove on the Sunday next after that 21st October 1865?—Not to my knowledge.

1592. Did you hear on that 21st October 1865, of any three men being shot at or near the iron bridge on that day; or if you heard any such report at all, when first was that?—I heard nothing of that while we remained at Golden Grove; and the first intimation I had of it was when the Commissioners came up to exhume the dead bodies, the supposed dead bodies. I cannot give the date, but I happened to be working at Duckenfield when the exhumation took place.

1593. *By Prosecutor.*] What did you with yourself on Sunday, 22nd October 1865?—I remained within the barracks; I mean about the barracks. I had no particular orders that day to go out or stay within doors.

1594. Did you see Mr. Brooks on that Sunday?—I did.

1595. What time did you see him?—I saw him all the morning, to the best of my recollection.

1596. Where did you see him?—In and about the barracks.

1597. Was he walking about like yourself with nothing particular to do?—Yes; he had nothing particular to do that day.

1598. Did you see any prisoners brought into Golden Grove that day?—Yes, I did.

1599. Who brought them in, and where did they take them to; what part of the property?—Maroons brought them in and took them to head-quarters—the Great House at Golden Grove.

1600. What time of day did the prisoners, those brought in by the Maroons, come to Golden Grove?—I am not positive about the time, but I know they were brought in that day; some time between sunrise and sunset. I cannot fix the time nearer than that.

1601. How many prisoners were brought in by the Maroons?—I cannot positively say the number; it might have been about 10 or 12, or 15.

1602. Did you see them come into the property, or did you see them after they had come in and halted?—I saw them coming in, and I saw them when they halted.

1603. What direction did they come from?—They came from the Winchester-road on to Golden Grove, those I saw; but the same road comes from Hordley as well as Winchester, so I could not tell where they came from.

1604. Were any prisoners other than those you say Maroons brought in, brought to Golden Grove on that Sunday, 22nd October 1865?—None, to the best of my recollection.

1605. Did you know any of the prisoners you saw at Golden Grove on the 22nd October 1865?—I did not.

1606. *By Court.*] You have said that the prisoners were marched to head-quarters at Golden Grove Estate Great House; to what officer were they handed over then on Sunday, 22nd October 1865?—I think, to David Ford, junior serjeant, who was then in command.

1607. Do you remember if you saw Mr. Brooks and Lieutenant Adcock together on Sunday, or Mr. Brooks and Captain Ford?—I don't remember seeing them together on that Sunday or any other day, while we were there quartered.

[The Witness withdraws.

Ninth Witness for Defence.

CAPTAIN HOLE, 2nd Battalion 6th Regiment, being re-called, is questioned on his former oath by the Prisoner.

Captain *Hole.*

1608. *By Prisoner.*] DID you on the 19th of October 1865, as a fact, report by a despatch to the officer in command upon the movements of troops under your command at Muirton, Manchioneal?—I wrote a despatch to that effect, and I believe it was on the 19th; I sent it to Brigadier General Nelson, to Port Antonio.

1609. Where is that despatch, to the best of your belief, now?—I believe the Major General Commanding has it.

1610. Did you or not, as a fact, write that despatch upon official reports made by any officer in your command, and sent out by you on duty on the immediately preceding day, the 18th, a Wednesday?—I did write that despatch upon official reports made by Ensign Cullen, and I believe it was the preceding day on which I had sent him out.

1611. To what direction, and with whom, did you send out Ensign Cullen on that preceding day

day; and was any official report made by him to you, that Wednesday, on his return to Muirton?—I sent them out to "Friendship," but owing to a mistake of the guide they were taken to a wrong place. I sent Staff Assistant Surgeon Morris out with Ensign Cullen. An official verbal report was made to me by Ensign Cullen on his return to Muirton that day; and on his report I wrote a portion of my despatch.

1612. On that day did you ascertain whether or not your orders had been obeyed, or, if not, was any official statement made to you as to the direction to which the troops under Ensign Cullen's command did actually go on that Wednesday; and did you act accordingly in reference to your communications to your superior officer?—I ascertained that they had taken the wrong road; an official report was made to me about the direction they had taken; as reported to me, they had gone to Hayning, and Jericho, and returned, I think, by Scott's Run. I reported accordingly to my superior officer, Brigadier General Nelson.

1613. Did you on that Wednesday, or before you wrote your despatch, in any way ascertain that a man of the name of Billy or William Gray, had been shot at or on Grange Hill, on that Wednesday, on the march that day; if you had, would it have been your duty to report that fact?—I never heard of any man being shot on that day; if I had heard of it I should have reported it, of course.

1614. Do you remember Staff Assistant Surgeon Morris's revolver lying in the window at Muirton in two pieces (that is, the cylinder apart from the barrel), and do you know how it was rendered useless?—I remember his revolver lying in two pieces in the window at Muirton; it was rendered useless by the loss of the pin. I cannot state from what date to what date this revolver lay there, but I am certain it was there the day he was out; the 18th, as I believe it was.

1615. Can you state what became ultimately of the revolver, after the loss of the pin; to the best of your belief?—No. I only know it lay at Muirton for some days, and was in a very rusty state.

1616. You spoke of a certificate or pass that you had given, in writing, to Stephen Johnson; to the best of your belief, did you give that paper to a person who represented himself to you as Stephen Johnson; do you believe that you wrote the name "Johnson" by mistake, instead of "Grant," on that paper?—I think it was given to the person whose name is on the paper. I do not think that a constable, who could read or write, would have ventured at that time to use a paper which did not bear his name; he would have been afraid to do so, and would have brought it to my notice.

1617. *By Court.*] During martial law, did you keep a list of suspected persons, or prisoners, to be apprehended; were you in the habit of giving lists of such persons to the parties you sent out, or had the parties access to the lists; did you give or show a list to Ensign Cullen, or any of the party, on the 18th of October?—I received lists from different people. I got one from Spanish Town, through the Brigadier General, for me to report on; one from a son of a clergyman, he was then in Kingston; and I believe there were others, but I cannot specify from whom I received them. I gave no list to parties going out. All the people, I may say, were mostly apprehended by constables. Persons could have seen the lists who liked. I gave no list to Ensign Cullen on the 18th, nor do I recollect showing him any list. He was not sent out to apprehend any one, but to go to "Friendship," where it was reported a body of rebels were entrenching themselves.

1618. Did you give instructions to parties you sent out, as to their operations in regard to executing men, taking prisoners, and burning houses; was it a part of their duty to go to places off the direct route on which they were sent, if they had reason to think it desirable?—I gave no instructions as to executing men or taking prisoners; there were such a lot of constables to whom they could have been handed over. Nor did I give orders for burning houses, except that those in which stolen property was found should be burnt to the ground. On emergencies parties sent out would certainly have left their direct route, or on receiving reports; that was left discretionary with the officer commanding the party.

1619. Did you receive any official report with regard to the party you sent out on the 16th of October, consisting of a serjeant and 12 men, with Assistant Surgeon Morris?—Yes; their report was their bringing in the people I had sent them out to fetch in.

1620. Did you send out any party on the 17th, in the neighbourhood, the day on which you gave the men a rest?—I sent out no party on that day, to the best of my belief; in fact, I am certain I did not.

1621. Did you receive a report, on any day, of a party going to Grange Hill or Deeling?—No; I have no recollection of my own troops going there by my orders. I received no report to that effect. I do not know the name of Deeling. Two or three of my men went, I believe, to Grange Hill without orders.

1622. Did you send any white soldiers with Ensign Cullen, on 18th October 1865?—I do not believe I sent any white soldiers, that is, of the 6th Regiment, out with Ensign Cullen's party on that day; but there are all shades of colour in the black troops.

[The Witness withdraws.

It being now four p.m. the Court adjourns till ten a.m., to-morrow, the 9th instant.

Eighteenth Day, 9th January 1867.

On Wednesday, the 9th January 1867, at 10 a.m., the Court re-assembles, pursuant to adjournment. Present, the same Members as yesterday.

Tenth Witness for Defence.

John Sinclair, Manager of Duckenfield Estate, Saint Thomas-in-the-East, being duly sworn, is questioned by the Prisoner.

J. Sinclair. — January 1867.

1623. *By Prisoner.*] State your residence, and occupation and position, in St. Thomas-in-the East, in 1865 and now?—In 1865 I resided at Duckenfield. I was the manager of that estate, and still am so.

1624. During the year 1865, did you ever mention the dates of the 21st and 22nd, or 23rd October 1865, to any one, or did any one ever state those dates to you as being the days on which three men were shot and buried near the Iron Bridge; did that ever occur between you and Bryan, Speed, or Phillips, in 1865?—Bryan came up to Golden Grove, where I was then acting as quartermaster for the troops under Captain Adcock, on Sunday, 22nd October 1865, with Cyphus Wills and Peter Phillips. They never said a word to me about anyone having been shot either on that or the the previous day. I mentioned to Bryan to turn out the gang, as many men as he could, to work on Duckenfield Estate to-morrow (meaning Monday the 23rd), but I did not mention the day of the month, but merely "Monday."

1625. When first did you hear any rumour of any three men being shot and buried near the Iron Bridge?—I stated in my evidence to the Court before, I think, that it was about the end of March. Since then I found a part of Peter Phillips' deposition, taken by me as a justice of the peace, and it was sworn to before me, the 1st day of April 1866; so that was the very day I went to see the grave, and the first day I had any knowledge of any persons having been shot there and buried in that grass-piece.

1626. Did Dight, a book-keeper, make a representation to you about Bryan. State the fact; and when did he first make that representation to you. State the month if you can; was it before the court martial on Ensign Cullen?—Dight did make a representation to me about Bryan. I think it was about the beginning of September, but I cannot state positively as to the time, as I kept no memorandum of the time. It was prior to our being warned as witnesses on Ensign Cullen's case.

1627. Have you still retained Bryan in your employment, and why have you still done so since that report to you?—I still have Bryan in the estate's employment. I was directed by Mr. Georges, the attorney, to dismiss him, as he would be, to use Mr. Georges' words, "a dangerous man to retain on the estate." I advised him to let me retain him, as it would not look well to discharge him during these investigations; it would look like party spirit, and I therefore asked him to let me retain him.

1628. Did you accompany volunteers from Morant Bay, past Stokes Hall, to Golden Grove, during martial law; state the day and the date?—I did, on Saturday, 21st October 1865.

1629. About what hour did you arrive at Golden Grove on that day; state who were with you on the march, and when you arrived at Golden Grove?—I arrived at Golden Grove about 2 p.m. that Saturday, 21st. Captain Adcock, and some of the 6th Regiment, Mr. Ford, captain of the irregular volunteers, and Captain Astwood and some of his men were with us. I can give, from notes in my pocket-book made at the time, all the names of Ford's men. They were supplied with rifles on the 19th and 20th October, and I, as quartermaster, was directed to keep a list of their names to whom rifles were given out. Twenty-five men, who were supplied with rifles, marched with us that day and arrived at Golden Grove.

1630. On your arrival at Golden Grove did you then see any black soldiers or corporals at or about Golden Grove quarters already on that Saturday?—Immediately after arrival Corporal Hunter came to me and complained that he had been there some time ("from morning," were his words), and had had nothing to eat, and that he had men with him. I saw Hunter and one or two other black soldiers about the place, but I cannot positively state how many.

1631. Did you remain at Golden Grove quarters on the rest of the Saturday, after your arrival, and on the following day (Sunday)?—I did, both of those days.

1632. When you arrived at Golden Grove was Ensign Cullen there already, or did he come afterwards to Golden Grove quarters on that Saturday?—He came after; he came late in the evening, about 5 p.m., I should say; about that time.

1633. Did you see Mr. Brooks, book-keeper and volunteer, on the Saturday and on the Sunday; to the best of your knowledge, how was he; and where did he stay?—I saw Mr. Brooks on the Saturday; he came with us from Morant Bay, on the march; I did not see him on the Sunday; he remained over at the barracks with the other volunteers.

1634. Were any prisoners brought in by Mr. Brooks, or reported as brought in by Mr. Brooks, to Golden Grove quarters that Sunday?—No, there were not.

1635. In the then state of matters, in St. Thomas-in-the-East, was it at all probable that one volunteer would have gone out alone and seek for prisoners off Golden Grove?—Not at all probable; besides, the volunteers were kept under strict discipline, and had every man to report to the commanding officer in the event of his wishing to leave.

1636. Was Mr. Brooks a very active man in the discharge of his volunteer duties?—Far from being active; he never kept a night watch the whole time.

1637. Do

1637. Do you know the grass-piece and bamboo draw-rail on Duckenfield, near by the post-office and Iron Bridge, and Holland Bay-road?—I do.

1638. Have you had occasion to go there frequently; when first did you go there after October 1865?—I went there during the first week in November 1865, but I cannot state the day. I have had since occasion to go there frequently.

1639. Did you then, in November, go near the bamboo draw-rail, and the spot in question, about this matter?—I passed through the draw-rail and close on the spot where the grave has since been opened.

1640. Was there then, in November, any sign of any recent grave at or about that spot?—There was not.

1641. Do you know M'Dermott, a book-keeper at Duckenfield, in the latter part of 1865 and in the early part of 1866?—I do.

1642. Was he sent on estate's work to that grass-piece; and in what month and year was he sent there?—He was superintending the people working there; I think about the end of November or beginning of December 1865.

1643. What use was generally made of that grass-piece in 1865, 1866, and since?—Kept as a pasture for the overseer's horses, and when the grass gets coarse or stubbly it is scythed down and carried to the cattle-pen for manuring purposes.

1644. Did you see that same spot in this grass-piece, in 1866, with Mr. Chisholm?—I did, on the 1st April 1866: the day I took Peter Phillips' evidence, as I stated before.

1645. Standing at any door in Manning's shop, could a person see from that shop the bamboo draw-rail; how was the logwood fence in 1865; was it of the same height in 1866; is it now of the same height as in October 1865?—You could not see the bamboo draw-rail from any door in Manning's shop; the logwood hedge in 1865 was seven or eight feet higher, I can safely swear to seven feet, than it is now; it is now about between four and five feet in height, and when I returned to the estate in the beginning of November, it was about 11 feet high, I think, though I did not actually measure it.

1646. Have you ascertained whether or not a person sitting on an ordinary sized horse, about the middle of the road opposite Manning's shop by the post-office, could in the then state of the logwood fence see the bamboo draw-rail from that place on the road?—I have tested it; you could not see the draw-rail then. When I approached it with Mr. Chisholm on 1st April, I could not see the draw-rail till I got close to it, though the logwood hedge had been cut.

1647. Is there any open bamboo fence in this grass-piece across it?—There is a bamboo fence across the grass-piece; it is a subdivision fence.

1648. Is it or not composed only of rails, dry bamboos laid lengthways on about three or four rails, and all open?—Yes.

1649. In that grass-piece have you or not seen different mounds?—I have.

1650. Did you see Dr. Morris on the Saturday and Sunday, 21st and 22nd October 1865; how was he; was he able to go to dinner?—He was not able to go to dinner on Saturday 21st, but went immediately to the sofa as he entered the house. We were then at dinner, and I got up to receive him. He was on Sunday about the premises; I cannot remember whether he rode out or not with the detachment on Sunday morning.

1651. *By Prosecutor.*] You have said you did not see Mr. Brooks on Sunday, and again that he was in the barracks on Sunday; how do you know he was in the barracks?—The woman in attendance on him told me he was sick; I heard that he was sick.

1652. You say you have been in that grass-piece, from which the bodies were taken, often since November 1865; did you ever observe the grave on any of those visits?—I observed the grave; the first observation I made of the grave was on the 1st April 1866; I observed it on several occasions since the opening of the grave.

1653. Did any one point out the spot to you on the 1st of April 1866?—Yes, Peter Phillips did.

1654. Did you make any of these visits, which you say you made often, to that place between April 1866 and the time of the opening of the grave?—Yes, I did; I went in there between those periods.

1655. Did you see the grave on those visits?—I saw the spot; I could not help seeing that spot on any occasion that I entered the grass-piece, because my horse would pass very close to it.

1656. In April 1866, and on the occasions of your subsequent visits, did the spot present the same appearance as it did when you first saw it in November 1865?—On my visits up to the time of the opening of the grave, the ground presented the same appearance as it did in November 1865, but since the grave has been opened, the ground presents a different appearance.

1657. Could a person standing at or near the door of Manning's shop, or in the road near the shop, see the head of a person standing at the bamboo rail?—No, he could not; at any time he could not.

1658. Tell what sort of foliage logwood has, what size leaves, and whether they grow thickly or otherwise?—Small leaves, but very thick branches, thick foliage; when I say thick foliage, I mean, though the leaves are small, they cluster together, and grow very thickly.

1659. Were you one of the persons who, with your family, left St. Thomas-in-the-East, in consequence of the disturbances of October 1865?—I was.

1660. *By Court.*] Do you know the Christian name of the Mr. Brooks, the volunteer, about whom you have been giving evidence; and are you aware whether there was more than one person of the name of Brooks at Golden Grove during martial law?—I have Mr. Brooks' name entered in my pocket book as "Alfred," given me by himself at the time; I know of no other Mr. Brooks at Golden Grove at the time.

1661. Are you aware whether any notice or information of your going to Golden Grove on Saturday, October 21st, was sent on to Golden Grove; when and where did you procure the carts used in the march of that day?—I am not aware that any information was sent on to Golden Grove; I cannot state where the carts were obtained from; we had some with us, and I think some of them were from the Plantain Garden River district, and others obtained from Lysson's estate; I had nothing to do with the procuring of the carts.

[The Witness withdraws.

Eleventh Witness for Defence.

JOHN LEWIS DIGHT, Book-keeper at Duckenfield Estate, St. Thomas-in-the-East, being duly sworn, is questioned by the Prisoner.

J. L. Dight.
9 January 1867.

1662. *By Prisoner.*] ARE you a book-keeper on Duckenfield estate, and how long have you been a book-keeper there?—I am, and I have been book-keeper there over six months.

1663. Were you a book-keeper at Duckenfield in September 1866?—I was.

1664. Do you know Bryan, the book-keeper or superintendent at Duckenfield; and did you see him in September last year at Duckenfield, at or near the barracks?—I know him; and I saw him in the barracks in September.

1665. Do you remember about the time that Bryan was served with a summons to give evidence against Ensign Cullen?—I remember when he was served at Duckenfield to appear at Golden Grove before some Commission, but I did not then know in whose case.

[The Witness withdraws.

Twelfth Witness for Defence.

ROMEO WILLIAM DRYSDALE, Police Serjeant at Morant Bay, being duly sworn, is questioned by the Prisoner.

R. W. Drysdale.

1666. *By Prisoner.*] WERE you sent to Captain Hole at Muirton, from Morant Bay, by Brigadier General Nelson; and on what day during martial law did you go?—I was sent from Morant Bay to Manchioneal, on 20th October 1865, with a letter from Brigadier General Nelson to Captain Hole.

1667. On what day did you return from Muirton; where did you come to from Muirton that day?—I returned on Saturday 21st, from Muirton to Morant Bay, stopping at the Iron Bridge.

1668. Were you at the post-office, Manning's shop, near the Iron Bridge, that day; whom did you see at the post-office when you arrived there that day?—I was at the post-office, Manning's shop, that day; I came and found Ensign Cullen and Dr. Morris there along with the troops.

1669. Whom else did you see at the Iron Bridge, or at the post-office that day when you got there, besides Ensign Cullen and Dr. Morris, and the troops; state any names you know of?—I saw Manning there when I came, and Anderson, and Cecilia Robinson, and Corporal Hunter; those are all I know; there were many other people besides the soldiers, but I do not know them.

1670. About how long did you remain about the post-office?—I arrived there between eight and nine o'clock, and I remained till I got tea, about three quarters of an hour, or an hour; I had no watch with me.

1671. Did you start with Ensign Cullen from Muirton, or just after?—I start after; I stopped to wait for a letter.

1672. Did you see any prisoners brought there or shot there while you remained at the post office that day; if so, must you have seen them?—None; I would have seen them at the time.

1673. Whereabouts did you see Dr. Morris that day at the post-office?—Inside Manning's private apartment.

1674. On coming down the Quaa Hill-road that morning, did you overtake any soldiers on the road to the Iron Bridge?—I did; they were riding on some horses, seemed knocked up and left behind, and I overtake them; they were black soldiers, but I can't say how many.

1675. *By Prosecutor.*] Did you go straight on without stopping, that is, for any time, on the way to Morant Bay, after leaving the Iron Bridge or Manning's shop that morning?—I stopped at Golden Grove to change a horse.

1676. How long did you stop at Golden Grove, and did you go on from that place without further stoppage?—I lost no time at Golden Grove, not half an hour; I take a man off a horse, and get on the horse; I take him off; I went straight on then to Morant Bay without further stopping.

1677. Did you see the detachment of regular soldiers and volunteers leave Morant Bay that day?—No; I meet the regular soldiers at a place between Phillipsfield and Bowden; they were going then to Golden Grove. I should say the place was about five miles from Golden Grove; among them were a few gentlemen I know.

1678. *By Court.*] When you left Morant Bay on the 20th, did you know or not, that soldiers or volunteers were going to Golden Grove from Morant Bay on the next day, Saturday?—No, I did not; until I met them on the road I knew nothing about it.

1679. Did any of the soldiers who were at the post-office that Saturday, leave for Golden Grove before you, or accompany you there?—I overtake one, at a place called Danderbridge, this is nearer Golden Grove than the post-office. He was walking, and had no rifle; I did not see any leave before me; none went with me, and I did not see any in Golden Grove.

1680. Whereabouts at Golden Grove did you stay to change your horse?—In front of the police station; it is where they keep the market, in front of Tavare's store.

[The Witness withdraws.

Thirteenth Witness for Defence.

RICHARD MOYLE WILSON, Book-keeper, on Plantain Garden River Estate, St. Thomas-in-the-East, being duly sworn, is questioned by the Prisoner.

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1681. *By Prisoner.*] WERE you a book-keeper on Duckenfield in 1865, and do you know the grass piece and bamboo draw rail opening from that grass piece on the Holland Bay-road?—I was a book-keeper on Duckenfield in 1865; I know the grass piece and the bamboo draw rail quite well.

1682. As such book-keeper, had you occasion to go into that grass piece in 1865 and 1866?—Frequently, I have been there.

1683. When first, since martial law, were you in that grass piece; did you then see any signs of a fresh dug grave in that grass piece near that bamboo draw rail?—About a month after martial law, I first went into the grass piece; I did not see then any signs of a fresh grave.

1684. If there had been any such signs of a recent grave, must you have seen them?—I should most certainly have seen them.

1685. Is there another book-keeper at Golden Grove now, of the name of Wilson?—There is.

1686. Were you at Golden Grove during martial law?—I was.

1687. Were you with any volunteers who came from Morant Bay past Stokes Hall to Golden Grove during martial law?—Yes; I was in Ford's company of Irregulars. I joined on 20th, and went to Golden Grove on 21st October 1865.

1688. Did you know a volunteer who went by the name of Alfred Brooks; was he with you and others at that time?—Yes; he was.

1689. Was he a book-keeper or not at that time at Golden Grove?—He had been a book-keeper at Golden Grove; and to the best of my knowledge he was so then.

1690. Where else, to your knowledge, had Mr. Alfred Brooks been a book-keeper in 1865?—Nowhere else within my recollection.

1691. Did you see him on the Saturday you arrived at Golden Grove; where was he; and how was he on the Saturday on the road and the Sunday; state particularly as to each day?—Yes, I saw him on Saturday; he was along with us in the company of volunteers; on the Saturday on the road, he complained of being sick and unable to travel on foot a great part of the way; on Sunday he still continued sick.

1692. Did Mr. Brooks go out on that Sunday and bring in any prisoners whatever, to your knowledge; was he well enough to be able to do so?—Not to my knowledge; he was not well enough to do so at the time. I saw him on Sunday morning; that was, I should say, between 6 and 7 a.m.

1693. Did you go out with Lieutenant Adcock and others on the Sunday morning on a route past the Post-office and Iron Bridge?—Yes; I did.

1694. Did you on the 21st October, Saturday, hear of any three prisoners being shot on the 21st, near the Iron Bridge on the Holland Bay-road; when first did you hear of such report, if at all?—I did not hear of it on the 21st; I first heard of it two or three months afterwards when making inquiries for the people, and I was told they were shot at the Iron Bridge; the inquiry I made was of Bryan, the headman, at Duckenfield.

1695. About what month, and in what year, did you make inquiry; can you tell?—The month I cannot say exactly; it might have been January or February 1866.

1696. About what hour did you leave Golden Grove on the Sunday morning with Lieutenant Adcock?—Somewhere about 7 a.m.

1697. About what hour on that day did you return with Lieutenant Adcock to Golden Grove?—About 6 p.m.

1698. *By Prosecutor.*] Did you ride into that grass piece in which you say you saw no marks of a grave?—Both rode in there, and walked in there.

1699. Who were these men you made inquiries about; what are their names?—Their names I do not remember now, with the exception of one whose name, I think, was Miles.

1700. What caused you to make inquiries for these men?—Because I had seen them working upon Duckenfield Estate previously, and at the time of my inquiry they had been absent for some time.

1701. Where did you see Brooks on the Sunday morning?—I saw him in Golden Grove Barracks, in bed.

1702. Are you aware of the roving character of the labourers who work on estates?—Perfectly aware of it.

[The Witness withdraws.

Fourteenth Witness for Defence.

JAMES AUSTIN FOWLES, Acting Surveyor of Her Majesty's Customs, Kingston, being duly sworn, is questioned by the Prisoner.

J. A. Fowles.

1703. *By Prisoner.*] WERE you in St. Thomas-in-the-East during martial law, as a volunteer?—Yes.

1704. Did you go from Golden Grove towards the Iron Bridge with Lieutenant Adcock and others past the Post-office; and what day was it?—I did on Saturday morning, 21st October.

1705. When did you arrive at Golden Grove?—On the Saturday afternoon between 3 and 4 p.m.

1706. You say you arrived on the Saturday afternoon between 3 and 4 p.m., did you remain there that day?—Yes.

1707. Then on what day was it that you went out with Lieutenant Adcock, Captain Ford, and others on a route?—On Sunday morning, the 22nd.

1708. About what hour did you leave Golden Grove on that route with Lieutenant Adcock and Captain Ford, and others on that Sunday morning;

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morning; and about what hour did you all return?—We left between 7 and 8 a.m., and we returned after 4 p.m. the same afternoon.

1709. Were you all absent from Golden Grove with Lieutenant Adcock and Captain Ford the whole interval between 7 or 8 a.m. and 4 p.m. that day?—Yes; the whole time. Captain Ford turned off near Wheelerfield, I think, and was absent from us for some time, but he rejoined us, and we all arrived at Golden Grove together; I mean by "all," Captain Adcock's men and Captain Ford's.

1710. Then is it possible or impossible that any prisoners would be delivered at Golden Grove by a Mr. Brooks to Lieutenant Adcock or Captain Ford, between 10 a.m. and 11 a.m. at Golden Grove?—Perfectly impossible.

1711. Did you, on that Sunday morning, about the Post-office, or Iron Bridge, or thereabouts, see or hear of any dead bodies lying near the Iron Bridge at any fence, or on any bamboo rail, or meet any body of people with hoes and shovels?—No; I did not see or hear of any dead bodies; nor see any persons with hoes or any implements of that description.

1712. Did you see Dr. Morris at Golden Grove on the Saturday afternoon, or evening; did he dine with you; if not, how and where was he that evening?—I saw him as he arrived from the Iron Bridge. I did not dine with him; nor did I see him that evening afterwards.

[The Witness withdraws.

Fifteenth Witness for Defence.

No. 22. Private JAMES COX, 2nd Battalion, 6th Regiment, is duly sworn.

The Prisoner requests that he may be permitted to substitute another Witness in place of the one just sworn.

Application granted, and Private COX accordingly withdraws.

Sixteenth Witness for Defence.

No. 2651. Corporal WILLIAM HUNTER, 1st West India Regiment, being duly sworn, is questioned by the Prisoner.

Corporal *W. Hunter.*

1713. *By Prisoner.*] How long have you been in the service; how long a private; how long a corporal?—I have been in the service 10 years and two months. I was a private eight years; corporal all the rest of the time.

1714. Have you received any good conduct rings in the service?—Yes; two.

1715. Were you on the march from Manchioneal to the Iron Bridge and the Post-office with Ensign Cullen and Dr. Morris during martial law?—Yes. I cannot state the day, but I was on that march with Ensign Cullen and Dr. Morris during martial law.

1716. Did you stop at the Post-office, Manning's shop, that same day for some time with Ensign Cullen and Dr. Morris?—Yes; I did.

1717. When you arrived at the Post-office that day, how was Dr. Morris?—He was sick.

1718. About how long did you stay at the Post-office; were you sent on anywhere; if so, by whom, that same day?—Yes; I stay a short time, about five minutes; I was sent on by Ensign Cullen on the advance guard to Golden Grove.

1719. Did you go according to orders to Golden Grove, and leave Ensign Cullen at the Post-office that day?—Yes; I did.

1720. Did you go alone or with other soldiers, when sent on by Ensign Cullen?—I was sent on alone; but there were several men follow me, which I don't know; I mean, I don't know their names.

1721. Whom did you see when you got to Golden Grove that day; when you first got there, and before volunteers and others came there; civilians are meant?—I saw Mr. Cruickshank, carpenter and storekeeper of the estate; he was standing in the Great House yard at Golden Grove. I saw several other people which I do not qualify.

1722. After you had been at Golden Grove that day, did any body of men come in from the direction of Morant Bay?—After I arrived there, some came in about 2 p.m.; but there were a lot of book-keepers, I do not know from volunteers, and I don't know where they came from; there were a lot of them with horses and carts, and some of them were sick men.

1723. Do you remember speaking to any gentleman who came in with the volunteers that day?—Yes; I remember I speak to the overseer of Duckenfield, Mr. Sinclair. I know him well before I was a soldier.

1724. About how long after the volunteers came in, did Ensign Cullen and Dr. Morris come to Golden Grove that day?—I can't say how long, because I was knocking about looking for a place for the men to stop, and I can't recollect the time they came in.

1725. When Dr. Morris arrived that evening, did you see him; and how was he?—I never see him till the Monday.

1726. How was Dr. Morris at the time you left him at the Post-office with Ensign Cullen; and at what part of the road did he get ill before he arrived at the Post-office that day?—I left him ill; he got ill at the turn coming down to Amity Hall, which is called Quaa Hill.

1727. Have you been on that road from Manchioneal to the Iron Bridge recently; and did you then point out the part of the road to anyone where Dr. Morris got ill?—Yes; and I did point out the place where Dr. Morris fell ill. I pointed it out to Mr. Cullen, who did not know it when he got there; and to Mr. Williams, and to the driver of the cab.

1728. During the time you remained at the Post-office on that day, were any three prisoners brought in from Duckenfield or Golden Grove by anyone?—Not while I was there.

1729. During

1729. During the time you were on the march, or at the Post-office that day, were any prisoners shot, or did you take part in shooting any that day?—No.

1730. Did you recently go to the Post-office, the Iron Bridge, and the Holland Bay-road, and with whom?—I did go to those places lately, and I went with Mr. Cullen and Mr. Williams.

1731. Did you then notice a cotton tree in the grass piece opposite the Post-office, and a guango tree in the grass piece; and did you make any measurement of the distance from the road just opposite the Iron Bridge to that guango tree?—Yes; I did.

1732. In measuring that distance, and on going to the guango tree, did you pass a bamboo rail on the Holland Bay-road?—I passed two bamboo rails.

1733. What distance, to the best of your recollection, in number of paces was it from the road just opposite the Iron Bridge to that guango tree?—One hundred and ninety-six paces.

1734. Are you sure that 196 paces, or 296 paces; was any memorandum taken on your shirt or jacket?—Yes; I forget myself; it was 296 paces from the Iron Bridge to the guango tree; I took it myself on my gaiter.

1735. Was any memorandum also taken for you on your own dictation and report?—Yes; Mr. Williams made a memorandum of what I tell him; I read that memorandum.

1736. Have you got that memorandum?—Yes, I have got it.

1737. Where is it?—I got it in my pocket.

1738. Produce it then?—

Before the witness complied the Court is cleared for deliberation, and on being reopened, the witness is informed that the Court is not satisfied with the manner in which he is delivering his evidence as showing either inattention to the question put to him, or a want of proper respect to the Court. After being thus cautioned the witness produces the memorandum, and he is directed to read it out. This being done, the paper is marked I, signed and attached to the proceedings.

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1739. Did you yourself actually pace and measure these distances?—Yes.

1740. Did you yourself actually measure the height of the logwood fence by yourself as well as the pieces lying cut off?—Yes.

1741. On that same day you did all you have just stated; did you go on towards Muirton?—Yes.

1742. Was Ensign Cullen with you at the same time?—Yes.

1743. While on the main road towards Muirton did you come to any road which branched off, just before the main road descends to a river, and before you reach Muirton on this side?—Yes.

1744. What was that road, and had you seen it before; and did you go up it on the day you are speaking of as being with Ensign Cullen?—Hayning-road; I had seen it before; I went up it with Ensign Cullen during martial law.

1745. And when since?—About last Monday.

It being now 4 p.m., the Court adjourns till 10 a.m., To-morrow, 10th instant.

Nineteenth Day, 10th January 1867.

On Thursday the 10th January 1867, at 10 a.m., the Court reassembles pursuant to adournment:—
Present, the same Members as yesterday, and proceeds with the Examination in Chief of Corporal Hunter.

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1746. *By Prisoner.*] What do you mean "about last Monday," when did you return lately from Saint Thomas in the East?—I returned last week Tuesday, the Monday I mean was the day before that Tuesday.

1747. In going from the Iron Bridge side towards Muirton to which hand do you turn off the main road to go up the Hayning-road?—Left hand.

1748. About what distance is that turning into the Hayning-road from Muirton?—About two miles and a half.

1749. Do you know Grange Hill; is Grange Hill nearer to Muirton than the Hayning-road, or is Grange Hill further from Muirton than the Hayning-road; which is nearest to Muirton?—I have seen Grange Hill, though I have never been to it before the day I went there with Mr. Cullen and Mr. Williams. Grange Hill is nearer to Muirton than the turn off to Hayning.

1750. Does Grange Hill land line on the main road to Muirton, or not; can you see Grange Hill from that main road?—Grange Hill land does line on the main road; you can see Grange Hill from the main road, but not the houses, for the bush take up the houses.

1751. After you have passed by the Hayning-road and crossed the river, and gone some way along by the main road towards Muirton, do you come to any road or track which leads up to some breadfruit trees on Grange Hill; did you go there with Ensign Cullen?—Yes; there is a road up to the breadfruit trees; I went up there with Ensign Cullen and Mr. Williams.

1752. You say you went up the Hayning-road with Ensign Cullen: about how far did you go the other day with him up that road; did you take notice to see if there were any breadfruit trees there at all; did you see if there are any on the Hayning-road?—I go as far up as the turning to a house; there is no breadfruit tree on the road.

1753. About how far is it from the main road from the turning off to the breadfruit trees on Grange Hill on or near the Grange Hill road or track up which you went with Ensign Cullen; did you yourself measure the distance in paces and report it that day?—I measured it that day and reported it; it was 385 paces.

1754. Having passed the Hayning turning and the river, and gone along some way on the main road to Muirton and come to the Grange Hill turning,

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turning, of which you spoke; do you turn to the left hand or right hand to go up that track to the breadfruit trees?—To the left hand.

1755. At about what distance is that turning up to the breadfruit trees on the main road to Muirton itself?—About a mile and a half.

1756. Did you see any breadfruit trees at the end of that distance you mention; how many did you particularly notice on or near that end of the track. Did you measure and report the distance between those two breadfruit trees themselves which are close to each other at the end of distance mentioned?—There are two breadfruit trees; I measured and reported the distance between them; it is seven paces.

1757. Are the tops and branches of those two breadfruit trees separate from each other, or are they with each other, at the top part of the trees?—There is an opening; there is just a light touch between the two.

1758. Are they close to the track or not?—About one pace from the breadfruit tree is the track; one breadfruit tree is lower down than the other, and there is a track between the two trees.

1759. Were you ever with Ensign Cullen and Dr. Morris, and soldiers at or near those two breadfruit trees at or near the track on Grange Hill during martial law on any day when you were sent out from Muirton by Captain Hole with Ensign Cullen and Dr. Morris?—No; I never been on that track before; it was the first time I had ever been there when I went lately.

1760. What was the road which you did go when so sent out by Captain Hole with Ensign Cullen and Dr. Morris, and soldiers from Muirton during martial law?—The first time I went out was up the Hayning-road; I was sent to Hayning with Ensign Cullen and Dr Morris.

1761. Did you ever see a person by the name of Billey or William Gray shot by Dr. Morris, or by any soldier by his orders in the presence of Ensign Cullen at or near Muirton at all?—No; I never see anybody shot near Muirton.

1762. Were you at that time senior corporal on that march under Ensign Cullen?—Yes.

1763. Did you take notice when you were last at the Post-office how many doors there were belonging to the building which could open, and were open on the street or main road in front?—On the main road were three doors.

1764. Did you see the place where the word "Post-office" was put up on a board or some placard on the side in front?—Yes; going toward the Post-office centre door it is on the right hand.

1765. How many doors had the shop itself; to what did the other door belong?—There is one door to go into the shop; then another into the Post-office and cloth-store, and there is another door to go into a little private place.

1766. Has that little place, you call a private place, a window or shutter opening at the end of the house towards the bridge?—No, it is all boarded up.

1767. Did you see any opening at the end, not side of the building towards the bridge; if so, to what room does it belong?—There is no opening at the end of the building, but when you get to the bridge you can see a door leading out towards the river, that door is at the back, not at the end of the building.

1768. Do you know the kitchen; where is it; is it or not directly at the back of the house, or is there any road between the shop and Post-office and that kitchen down to the river from the main road?—The kitchen is between the Post-office and the river; there is a road between the grass piece and the end of the shop, and that road leads down to the kitchen.

1769. *By Prosecutor.*] Where did you know Mr. Sinclair before you were a soldier?—I was going on a travel at one time, going from Kingston to St. Thomas-in-the-East; I met him at the Nineteen Mile Tavern with a horse, and he asked me to saddle his horse for him, and I did so, and that time I knew him.

1770. You say you went to look for a place for the men to stop at, at Golden Grove; who sent you; and did you get any letter to take?—Mr. Cullen sent me; I had no letter.

1771. Did you take your rifle with you to Golden Grove at that time?—Yes; I did take everything with me that I has.

1772. At what hour of the day did you arrive at Golden Grove?—When I got to the corner by the Iron Bridge where you turn to go to Golden Grove, I heard a clock strike, and I stood up and counted, it was nine o'clock.

1773. Did you meet or overtake any soldiers on the road to Golden Grove?—No; I was the first black soldier that ever was at Golden Grove at that day.

1774. How long after you were at Golden Grove did any other soldiers join you, or did you see any others at Golden Grove?—I can't say the time, but I saw some black soldiers there after me.

1775. These black soldiers, then, did not go with you; do you know what regiment they belonged to?—They did not go with me, there was some after me which I could not tell; they belonged to the 1st West India Regiment.

1776. To whom did you report yourself on your arrival at Golden Grove?—I did not report myself to any one, but I see Mr. Cruickshanks and told him the circumstances under which I come.

1777. You say you pointed out to Mr. Cullen the place at which Dr. Morris got sick; what was the necessity for this; was not Mr. Cullen with Dr. Morris on that morning, 21st October 1865?—Yes, he was with Dr. Morris. The reason I showed Mr. Cullen was, he was not aware of the place, and I know it and showed it to him the way we come; I recall to his recollection that part we had come.

1778. How far is the turning called Quaa Way, where you say Dr. Morris took sick, from the Post-office?—About three miles and a half from the Post-office.

1779. Are you the same Corporal William Hunter who was examined before a court-martial, composed of these same members, for the trial of Ensign Cullen, in this room, a few weeks ago?—Yes.

1780. Did you ever go to Grange Hill; *if so*, who pointed out the property to you, and when first did you go there?—I go there with Mr. Cullen and Mr. Williams last day of last month; it was a Monday. An old man pointed it out, but I do not know his name. I know the property before, when it was working canes first, but I had not been up the road to it before; that is, the track up to it.

1781. Did you go over all the roads which run

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run through the property, from any one part of it to any other part?—Yes; I go from a bread-fruit tree to a house, from there to a cocoa-nut tree.

1782. Did you see any two bread-fruit trees growing, one on one side and one on the other side of the road, through Grange Hill, on to Manchioneal Bay, with cocoa-nut trees near?—I see a field of cocoa-nut trees after you pass the bread-fruit trees, coming from Hayning up that turning, but I did not go up to it.

1783. The question you are asked to answer is, whether you saw two bread-fruit trees on Grange Hill, one on one side and one on the other side of the road or track through Grange Hill and on to Manchioneal Bay?—The track is one pace from the bread-fruit tree. I don't know where the track goes; I only went to a house and then to a cocoa-nut tree.

1784. You have said you neither met nor overtook any soldiers on your way to Golden Grove that morning (21st October); did you meet or overtake any troops or volunteers of any sort?—Yes, I met some volunteers, not proper soldiers, on the bridge turning into the works at Golden Grove; there were about eight or nine men.

1785. You say you met about eight or nine volunteers on the bridge turning into the works at Golden Grove; on which side of the property, with regard to the post-office, is that bridge?—It is the post-office side of the property.

1786. Don't you pass the Golden Grove church in coming from the post-office, before you come to that bridge?—You pass the bridge before you come to the church.

1787. Did you know any of those volunteers; were they mounted or on foot, and were they moving or halted?—I do not know any of them; at that time they were mounted, and moving slowly, looking at the grass piece as they go along.

1788. On your arrival at Golden Grove, did you see any other volunteers or soldiers there?—There was some volunteers, but I cannot sure about the soldiers when I arrive there.

1789. What volunteers did you see there, on your arrival; how many; and did you know any of them at that time; how many were there?—I did not know them at that time. I do not know how many; there was two or three keeping sentry; but I do not know them that time.

1790. When examined at a court martial in this room on the trial of Ensign Cullen, in answer to the following question, "When you arrived at Golden Grove, did you find that the detachment of the 6th and Volunteers had arrived there," did you not on your oath answer, "I did"?—Yes; I recollect making that answer, that I did find volunteers—and the 6th there.

1791. *By Prisoner.*] Was the name of the old man you saw at Grange Hill, William Roswell, a little short man; did any one take a name down at the time?—Mr. Williams take the name down; it was about that name, something like "Roswell," but I not sure of the "William."

1792. You are asked as to who pointed out the place on the occasion when you recently went down to Grange Hill with Ensign Cullen; did you see there Stephen Grant, the witness who came here to be examined about Billy Gray, and whereabouts did you see him, in these barracks first, and at Grange Hill afterwards; did you also see the Rev. Evan Jones, of Williamsfield, and where did you see him?—When we stop on the track a man on a mule came to us; he was on the main road; his name is Stephen Grant; I saw him in these barracks when he came to give evidence. I saw the Rev. Mr. Jones in the common of Hector's River.

1793. How far is that house you spoke of from the track; how far is that house from the cocoa-nut tree to which you went; who was with you when you went to the house and the cocoa-nut tree?—I do not know how far the house is from the track; I did not measure it that way; the house is 159 paces from the cocoa-nut tree. The driver of the carriage I was in and a woman went with me to those places.

1794. Between the house and the track is there any old building near a stream; how far is that old building from the track and that old building from the house: add the two distances?—I measure the distance from the bread-fruit trees to the old building; it is 65 paces; the house is 58 paces from the old buildings. It would take me a long time to add them.

1795. *By Court.*] On how many marches were you sent from Muirton, on which you returned the same day?—Only one day, when I came back the same day; that was the day I went to Hayning.

1796. Did you ever see anywhere any man or men shot on that march by any one?—No.

1797. By which road or track did you come back, the other day, from the bread-fruit trees on Grange Hill to the main road?—The same road I went up.

1798. Supposing yourself at the bread-fruit trees, do you know any other track to go to Muirton than going back the way you went to the main road, and following it to Muirton?—No, I know no other track or road to Muirton than the way I went back, and then by the main road.

1799. Where did you leave your carriage and begin to walk, when you went the other day to Grange Hill?—I left it on the main road, where the track goes to Grange Hill, about a mile after passing Williamsfield.

[The Witness withdraws.

Seventeenth Witness for Defence.

Ensign FRANCIS JAMES CULLEN, 1st West India Regiment, being duly Sworn, is questioned by the Prisoner.

Ensign *F. J. Cullen.*

1800. *By Prisoner.*] WERE you sent from Muirton by Captain Hole, on route thence by the Iron Bridge and the post-office, during martial law; and did you go, and on what day?—I was sent, and went on 21st October 1865.

1801. With whom did you go from Muirton to the post-office on that day; about how many men went with you, to the best of your knowledge?—I went with a detachment of the 1st West India Regiment, about 30 men under my command; and Assistant-Surgeon Morris was in medical charge.

1802. Where

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1802. Where are some of those men now, to the best of your knowledge; are they still in the island?—No, they are in Africa; that is, the greater portion of them.

1803. About what time did you leave Muirton, and at about what time did you arrive at the post-office on that day, on that march?—I left Muirton about 5 or 5.30 a.m., and arrived about 9 a.m., I think, at the Iron Bridge.

1804. Are there some of those men who accompanied you now in the island, besides those of that same detachment who have left the island?—There are a few.

1805. On your route from Manchioneal to the post-office that day, did anything befall Dr. Morris, and whereabouts?—Yes, he got ill on the way, about a mile from the post-office.

1806. What was done with him on his arrival at the post-office; was he still sick then?—Yes, he was much worse when we got to the post-office; he was brought inside and placed on a trestle or table; table I think it was.

1807. Whereabouts was that table and stretcher or small bed you just now mentioned?—In a small apartment, a kind of a hall, as you stand at the post-office; it was to the left.

1808. You say to the left; explain as to the end of the building where that table or stretcher was?—I can only explain it by saying that it is to the left as you come out of the post-office, that it is at the end of the building, towards the bridge.

1809. Had he any attendance when he was in that room, to your knowledge; any relief?—He had an orderly, I think, a soldier; I recollect he was the hospital orderly, and he had some Florida water poured on his head.

1810. How did he remain, from the time when he arrived to the time when he left the post-office that day for Golden Grove?—He remained on his back, or lying down.

1811. Did he move at all that day to go to bathe in the river, to the best of your knowledge?—He did not.

1812. Did you ask for a cart, and for what purpose, and of whom did you ask; did you do all you could to get a cart or other vehicle?—I asked Manning, the postmaster, first for a buggy; he said he had none; and I subsequently asked him for a cart. This was for the purpose of bringing Dr. Morris on to Golden Grove.

1813. How did Dr. Morris eventually go on to Golden Grove; did he mount his horse without any assistance?—He went on horseback; he did not mount without assistance; he was obliged to be held on his horse.

1814. Did you make light of the request for a vehicle; give your version of what passed about a vehicle?—I first asked him for a buggy; he told me he had none. I pressed him to send for one to some of the planters' houses, and he told me that the rebels had smashed the buggies and carriages up, and that the remaining few had been sent to Morant Bay, with refugees.

1815. Did you see the condition in which Manning's shop was on that 21st October, the Saturday; were his goods in any quantity in the shop?—They were apparently untouched; the shop was crowded, full of goods.

1816. Did you at any time during martial law try to arrest Manning, in consequence of orders or information received during martial law?—I did on two occasions.

1817. To whom did you try to take him?—To Captain Hole.

1818. When Dr. Morris got to Golden Grove, how was he that day there?—He was very ill.

1819. Did you remain at Golden Grove the day after that Saturday?—Yes.

1820. At what part of Golden Grove were your quarters?—In the Great House.

1821. Were any prisoners brought in to you at the post-office on the Saturday, or were any shot that day at or near the post-office or Iron Bridge?—There were not.

1822. On the Saturday, on your arrival at the post-office, did you give any orders to Corporal Hunter, and did you see him go to obey those orders; in what direction did he go upon your order?—About a quarter of an hour after my arrival at the post-office, I sent on Corporal Hunter and some men, 10 or 12, to Golden Grove; I saw them go myself in that direction.

1823. What was the cause of your giving that order to Corporal Hunter on the Saturday?—It was in consequence of a report I received from a person returning from Morant Bay, who told me the troops were coming on to Golden Grove, and intended to stay there; the person who gave me this information was a rebel who had been flogged and was returning home to his own place.

1824. At about what part of the road on that route did you meet this person you speak of as flogged?—I met him opposite the post-office.

1825. About what hour, as near as you can remember, did you direct Corporal Hunter to go on before you from the post-office to Golden Grove?—It may have been about a quarter or half-past nine a.m.

1826. After you had given Hunter your orders to go on to Golden Grove, and he had gone, did you receive any orders at the post-office from Lieutenant Adcock, on that same Saturday at the post-office?—I did, through two volunteers, Mr. Berry being one of them.

1827. Did you obey that order from Lieutenant Adcock?—I did.

1828. At about what time on that Saturday did you arrive at Golden Grove quarters?—A little after two p.m., that is to the best of my knowledge, as I had no watch.

1829. When you got there, whom did you go with, and whom did you find then at Golden Grove on your arrival?—I found the volunteers there, a few of the 6th Regiment, and Lieutenant Adcock. I reported myself to Lieutenant Adcock, and I saw my own men, Corporal Hunter, and the men I had sent on previously.

1830. When you left the post-office to obey Lieutenant Adcock's order, who went with you from the post-office that day to Golden Grove?—The remainder of the detachment and Dr. Morris.

1831. Who was the officer in command at Golden Grove on the Sunday during the middle part of that day, in the absence of Lieutenant Adcock?—I was.

1832. Were any prisoners ever brought by a volunteer, stated to be a Mr. Brooks, on that Sunday, and reported to you during Lieutenant Adcock's absence; to the best of your belief, who brought prisoners, if any were brought in that Sunday?—Prisoners were never brought to me by volunteers at any time. If any prisoners were brought in that Sunday, which I think there were, they were handed over to me by a Maroon captain, named Mendes. I recollect that

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that same Maroon bringing in to Golden Grove 15 or 20 prisoners, and giving them into my charge. I am not positive whether that was on the Sunday, though I think it was, or the following day; they were given over to me in the absence of Lieutenant Adcock.

1833. Were you during martial law stationed at Muirton, before you came on to Golden Grove, and were you sent out by Captain Hole, in company with Dr. Morris and Corporal Hunter?—I was.

1834. In obeying that order from Captain Hole, did you go anywhere, and where; and on your return did you report where you had been to that day?—I obeyed, and went to a place called Hayning on the 18th October 1865; I reported where I had been on my return.

1835. Did Assistant Surgeon Morris go that day with you, as well as Corporal Hunter?—He did.

1836. Was the place where you did go to that day the place which you were at first ordered by Captain Hole to go to?—It was not; I was ordered to a place called Friendship, and I mistook the way.

1837. Have you recently been on the road to Hayning, the same road that you say you went to on the 18th October, in martial law, and if so, state the day?—I have been there recently, I think on the 31st December last.

1838. Did you take means the other day to assure yourself that that was the road you took and the place you went to on the 18th October?—I did; I went to see the locality.

1839. So far as you can do so, shortly state what sort or nature of road this Hayning road is?—It is apparently a mountain road, leading off the main road.

1840. Did you look along this road to see if there were any bread-fruit trees, or two peculiarly-placed bread-fruit trees; were there any that you could or did see?—I saw no bread-fruit trees.

1841. Did you take any plan of the locality, and, to the best of your belief, is it substantially accurate; have you got it?—I have a rough sketch in my pocket which I took; I do not say it is accurate, as I took it partly from memory, and when I visited the place.

1842. Will you produce that plan, so as to give an idea of the locality?—

(Witness complies, and explains that the plan is not drawn to scale, but is merely an eye sketch. *The Plan is marked* (*K.*), *signed, and attached to the Proceedings.*)

1843. On going down the road towards Muirton, from this side of the country, the other day, did you come to a road leading out of the main road, just before you come to a river, and before you came to a place called Grange Hill?—Yes; that same road to Hayning.

1844. Did you stop at that turning, and did you go up that road towards Hayning, driving or walking. Who were with you?—The carriage stopped on the main road, and I walked up towards Hayning with Mr. Williams, Corporal Hunter, and the driver of the carriage.

1845. Did anything then occur to impress it upon your memory that this road to Hayning was the road which you had gone to and taken on the 18th October during martial law?—Yes; there was a circumstance occurred on the way which recalled it to memory. I met a woman who recognised me, and said she had seen me there on a Wednesday during martial law.

1846. State who were present when that occurrence took place?—Mr. Williams, Corporal Hunter, and the driver of the carriage.

1847. As a fact, did she mention any circumstances referring to you, yourself, and to Assistant Surgeon Morris, as occurring that day on that road?—She did.

1848. Did you come down back from that road to the main road that day?—I did; returned by the same road.

1849. As soon as you came down to the main road that day, did you immediately cross anything in going over towards Muirton?—I crossed a river, at the bottom of the hill, which I have by mistake called Hector's River in my rough sketch.

1850. In proceeding towards Muirton, on the main road, and after crossing the river, did you come to and stop at another turning some way on?—I did, on a road leading to Grange Hill; this, I mean, was on the 31st December last.

1851. What distance was it from that turning out of this main road up to some bread-fruit trees where you went; do you know that it was paced?—I know it was paced; 396 paces, as well as I recollect.

1852. Did you recognise—do you know some persons who came up at the same time when you were at Grange Hill?—I know a clergyman, a Mr. Jones, who came there.

1853. Did you see a man on a mule?—I did; I found his name was Stephen Grant, a man on the prosecution who had been here.

1854. How many bread-fruit trees did you particularly take notice of at Grange Hill, when you went there the other day; do they correspond with the two trees marked in your sketch?—I noticed two bread-fruit trees; they correspond with those in my sketch.

1855. Not far from those two bread-fruit trees did you notice any old building, stonework, or house?—Yes, I did, a short way from those trees.

1856. To the best of your knowledge and belief, did you, on this 18th of October, during martial law, go on that track or near to those bread-fruit trees by that track, or were you there at all before you went there the other day?—I was not, to the best of my knowledge and belief.

1857. Was any person of the name of Billy or William Gray shot in your presence or to your knowledge at or near Grange Hill; if you had known this or seen it, would it have been your duty to report it to Captain Hole?—There was not a man of that name shot in my presence on Grange Hill; and had I known of it, I should certainly have reported it to Captain Hole.

1858. Do you remember Assistant Surgeon Morris's revolver lying in two parts at Muirton, and to the best of your belief had he a revolver on that day (*i.e.*, 18th October 1865) on the march to Hayning?—I recollect his revolver lying in two pieces since the day he arrived at Muirton; the pin was lost; he had no revolver in his possession on the march on that 18th October.

1859. Are you aware what ultimately became of that revolver?—I am. I heard Dr. Morris ask Mr. Bourne to take the revolver to England for repairs, and it was not there after he left.

1860. Did you lose sight of Dr. Morris on that march on the 18th October; did you go away from

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from the main road at all from Muirton till you came to the turning to the road to Hayning that same day?—I did not lose sight of Dr. Morris on that day; and we marched from Muirton by the main road till we came to the turning up to Hayning; that is, we did not leave the main road till we came to that turning.

1861. Did Assistant Surgeon Morris write to you from Morant Bay, and request certain witnesses to be retained, and who were not, but sent to Africa; a list of whose names were sent in by him to you?—He did. I showed the list to the Acting Adjutant of the left wing of the 1st West India Regiment, and requested him to send the names in to the orderly room in order to have them retained.

1862. To the best of your recollection did you, on Sunday, 22nd October 1865, ever give a constable of the name of James Sproul a pass after he had handed over thirty prisoners to you, brought in by Volunteer Brooks, Sproul, and other constables, at Golden Grove?—I have not the slightest recollection of the man, or of giving a pass at all.

1863. Could Assistant Surgeon Morris have possibly by any means himself have ordered three men to be shot at the Iron Bridge on that Saturday, 21st October 1865, unknown to you, at or near the post-office; or could he have possibly ordered, to the best of your belief, William Gray to have been shot, as alleged, unknown to you, and on the 18th October 1865?—At the post-office I consider Dr. Morris to have been incapable of giving any order. He could not have given any order to shoot William Gray, on the 18th October 1865, unknown to me.

1864. Did Corporal Hunter, in your presence, when he went down with you on the 31st December last, make several measurements of distances on the road from Manning's shop down on the Holland Bay-road?—He did, in my presence.

1865. Did Dr. Morris ever move out of the room at the post-office from the time he went in until he came out to leave, and was it not on the assertion that you had procured him a vehicle that Dr. Morris got up from where he was lying down?—He did not move out from the time he arrived till he left the post office to go to Golden Grove. I cannot say it was on the assertion that I had procured a vehicle that he got up; but I told him that I had tried to get a vehicle to take him on.

1866. *By Prosecutor.*] What were your orders as to waiting at, or acting or leaving the post-office?—My orders were to proceed to the post-office to join a detachment under Lieutenant Adcock, and to place myself under his command; those were all the orders I got.

1867. Did those orders specify the place at which you were to join or be met by Lieutenant Adcock, and was Lieutenant Adcock's name mentioned to you before you left Muirton?—The orders specified the place I was to join the detachment; but Lieutenant Adcock's name was not mentioned, as far as I recollect.

1868. You have said the orders specified the place you were to join the detachment, what was that place?—I answered it before; at the post-office.

1869. Did you see Corporal Hunter and the 10 or 12 men you ordered to go with him from the post-office to Golden Grove on the Saturday morning, leave together?—I did.

1870. Were all those men furnished with rifles and all the other articles usually carried by soldiers?—They took their rifles and other things, to the best of my knowledge.

1871. What day did you first arrive at Muirton?—I think it was on the 15th October.

[It being now 4 p.m., the Court adjourns till 10 a.m. to-morrow, the 11th instant.

Twentieth Day, 11th January 1867.

On Friday, the 11th of January 1867, at 10 a.m., the Court re-assembles pursuant to adjournment: Present, the same Members as yesterday, and proceeds with the Cross-examination of Ensign Cullen.

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1872. *By Prosecutor.*] What was your reason for sending an advance guard on to Golden Grove?—It was from the reports I heard from persons passing by. I heard that Lieutenant Adcock was coming there.

1873. Is there a road or path of any sort between the two bread-fruit trees on Grange Hill?—Not that I am aware of.

1874. From whom did you receive the orders to arrest Manning?—I acted on my own responsibility, from written information I received from persons in the district.

1875. *By Prisoner.*] You were asked about a road through the two bread-fruit trees; did you go beyond the two bread-fruit trees towards the old building at all, or keep only on one side of them, on the track of which you had gone up from the main road at Grange Hill?—I kept only on the side; I did not go beyond the bread-fruit trees.

1876. *By Court.*] Did Dr. Morris receive any medical attendance or treatment at Golden Grove on Saturday or Sunday, 21st and 22nd October 1865?—I saw him receive no medical treatment.

1877. Were the orders you received through the Volunteers at the post-office, directing you to go on to Golden Grove, written or verbal?—I think they were written orders, and in pencil.

1878. When did you discover that you had taken the wrong direction to the place you were ordered on the 18th October 1865; and when you discovered the mistake, why did you not then obey the orders you had received?—I did not discover the mistake till I had got to the Hayning-road. When I heard where Friendship was, I considered it too far to go there that day.

1879. Then why did you go on to Hayning?—I merely went on there to finish the day; I went

went to see the negro houses there, and at Jericho and Scott's Run.

1880. Can you explain how you came to mistake the road to Friendship on the 18th October 1865, so as to go in almost an opposite direction to that place?—I went to Hayning by the direction of persons who were staying at Muirton; by "direction," I mean what the persons told me as to the way to Friendship.

1881. Do you remember what time you set out on the day you went to Hayning?—I cannot speak exactly as to the hour; it was early, say 8 a.m.; but perhaps it was earlier, perhaps later.

1882. About what time did you return from Hayning?—To the best of my knowledge about 3.30 or 4 p.m.

1883. How far is Hayning from Muirton?—I should say about three miles.

1884. If you wished to take the shortest road from Muirton to Grange Hill, which road would you take; can you describe it?—I cannot describe it; I know no other road but the one I recently went by up to the bread-fruit trees; if that road were followed from the bread-fruit trees, I imagine it would lead to the main road, but I do not know it.

1885. Did you go into any negro houses, or did you detach any of your men to go into negro houses, or did any go before you went up the Hayning track?—None that I am aware of; I detached no men on that march anywhere.

1886. Do you know the name of Deeling or Ditton as a negro village?—No; I do not.

1887. Do you remember if you went to Scott's Run on your way up to Hayning, or in coming back from Hayning?—I cannot say whether I went there returning or going.

1888. Was any one shot that day, 18th October 1865, by any of your party, anywhere?—Not that I am aware of; it never came to my knowledge. *Ensign F. J. Cullen.* 11 January 1867.

1889. It has been stated that there are several mounds in the grass-piece at Duckenfield. When you were last in St. Thomas-in-the-East did you observe any of these mounds?—I did not; I did not think about it; I did not go into the grass-piece.

1890. When you sent Corporal Hunter and party on to Golden Grove, on the 21st October 1865, what was your object, and what orders did you give him?—My object in doing so was to make arrangements for quarters for the men, as I knew that Lieutenant Adcock would remain there from the report I received from that same person coming from Morant Bay I have already spoken of. The orders I gave Corporal Hunter were, to do the best he could for the men. The person I allude to was a peasant, a countryman, who had been flogged; I do not know his name.

1891. Did your men straggle on the march on the 18th of October 1865?—No, they did not; they kept pretty well together.

1892. What are the names of the soldiers who were in immediate attendance on Dr. Morris at the Post-office on the 21st October 1865, and where are they?—One was the hospital orderly, named Thomas, who is now in Africa, and the other is Corporal Maddix, then a private; he is here in Jamaica.

1893. You have said that Dr. Morris was brought in and placed on a table at the Post-office, will you explain what you mean?—I mean he was almost exhausted, and was held by the arms.

[The Witness withdraws.

Eighteenth Witness for Defence.

JAMES HARRISON, Planter, residing at Hordley Estate, St. Thomas-in-the-East, being duly Sworn, is questioned by the Prisoner.

1894. *By Prisoner.*] STATE your position in St. Thomas-in-the-East in October 1865, and since?—I was manager of Hordley Estate, and attorney for Amity Hall Estate, then and now; I am also a justice of the peace for St. Thomas-in-the-East. *J. Harrison.*

1895. Were you examined as a witness on the trial of Ensign Cullen; did you go with Lieutenant Adcock and others on a route from Golden Grove towards the Iron Bridge, and on towards Amity Hall, &c.; at about what hour, and on what morning did you so do?—Yes, I was a witness on Ensign Cullen's trial. I went on that route on Sunday, 22nd October 1865; we left Golden Grove about 7 a.m.

1896. About how many troops went with you on that route?—Between 40 and 50 persons, volunteers and regulars.

1897. Do you know the Holland Bay-road, a road in question on this charge?—Yes.

1898. Tell, as nearly as you can, what you remember about any mistake of some of the men going down in a wrong direction when you reached the Post-office, or Iron Bridge?—I was appointed as guide by Captain Adcock, and during a slight stoppage at the bridge a few of the men went down on the eastern road towards Holland Bay, beyond the Suspension Bridge. I asked Captain Adcock if he was going on to Holland Estate; he said, "No." I then said, "Those people are going on the wrong road;" and there was a regular shout calling them back.

1899. Do you know a bamboo draw-rail on this Holland Bay-road, in or near the logwood fence to a grass-piece. Have you measured the distance from a spot on the road opposite the bridge to that bamboo draw-rail of the grass piece?—I know the bamboo draw-rail; I have measured from Manning's shop to the draw-rail and found it about 80 paces.

1900. Can you give some idea of the extent, down which some of the troops went, down that Holland Bay-road that Sunday morning, to the best of your knowledge and belief?—They went down farther than that; farther than the 80 paces, I mean, though I did not particularly notice it.

1901. Did you on that morning see or hear of any dead bodies lying at or near to that bamboo draw-rail, or at or near the Iron Bridge; or did any smell of dead bodies thereabouts attract your attention?—I heard of no one being killed or dead. I saw no dead bodies, nor perceived any bad smell.

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1902. Do you know Thomas Wedderburn, Zachariah Bayley, William Huntingdon, David Thomas, Charles Robinson, Richard Taylor, Natty Wilkie, John Wright, William Barclay, and Harriett Warren. Did you see any of them at or near the Post-offie, or Iron Bridge, or the Amity Hall-road that Sunday morning, with hoes, or shovels, or otherwise?—I know all the persons named except Barclay, whom I do not know by that name; they are all labourers with me at Amity Hall; I did not see any of them that Sunday morning.

1903. Had you any occasion that morning to look into that grass-piece as you passed by the Post-office or the road?—I missed a young black horse of mine, and I stopped at the cotton tree, peering over the fence on horseback to see if I could see him. It was that stoppage of mine that caused the confusion, when some of the party went on the Holland Bay-road; and, if I remember rightly, I was reprimanded by Captain Adcock for the mistake of those who went wrong, as I ought to have been in the front; and I distinctly remember his ordering me to keep in front for the future, and I did so.

1904. Did you see any crows about there; would you have expected to see crows about there if bodies killed and exposed on the preceding day and night had then been lying near the Holland Bay-road at the bamboo draw-rail?—I did not see any crows; they would have been sure to be there, especially if there had been blood spilt, a few hours after.

1905. If you had seen any such persons as just above named, would you have done anything, believing it to be your duty, in these times?—Individually, I would not have troubled them; but no doubt they would have been arrested; I would have been sure to have stopped and spoken to them, especially to Wright and Wedderburn, as they were the two principal men on Amity Hall Estate.

1906. Can you tell how that logwood fence was in October 1865; and state any difference then, from last year or this year?—In October 1865, on 22nd of that month, it was about 12 feet high; it was cut down about August or September last year, 1866, and it has recently been cut again.

1907. Do you know the nature of the soil about Duckenfield, and that part of St. Thomas-in-the-East. Do you know the nature of the soil in which Mr. Hire was buried. Has there been any flood of the river between October 1865, and September 1866?

Before this question was replied to, the court is cleared for deliberation; and being re-opened, the witness is directed to answer it.

Witness.] Duckenfield has a variety of soils, but the grass-piece, in which three bodies were buried, is an alluvial brick mould, getting more and more sandy the deeper it is dug. The soil in which Mr. Hire is buried, was soil carried up from the plats, and is much the same as that in the grass-piece; the natural soil round Amity Hall-house, where Mr. Hire was buried, is clay mixed with iron, oxide of iron; it must be a very high flood to overflow that land of Duckenfield, and there has been no such flood for many years now.

1908. About what hour did the body of men return to Golden Grove on the Sunday, from the route on which they started in the morning?—It was a little after 4 p.m.

1909. About what hour did you arrive at Golden Grove, if there, on the Saturday, immediately before the Sunday you spoke of?—About 2 p.m.

1910. About what time did Ensign Cullen arrive on that Saturday at Golden Grove, from the direction of the Post-office? Were any troopers sent out by Lieutenant Adcock from Golden Grove for him that Saturday?—On our arrival at Golden Grove, two troopers, Berry and Brandon, I believe, were sent on by Captain Adcock to call in the soldiers, who were expected to be at the Iron Bridge. Their orders were to rendezvous at the bridge; but on my informing him that there were no buildings there, and that they would have to encamp, he (Captain Adcock) sent on for them to come to Golden Grove, where they could be stationed. Ensign Cullen arrived about an hour after us; that, is about 3 p.m.

1911. On Ensign Cullen's arrival, did you see Dr. Morris at Golden Grove; and how did he appear to be that Saturday afternoon or evening?—I saw Dr. Morris a few moments after I saw Ensign Cullen, he was then on horseback; the next time I had a glimpse of him, the same afternoon, he was lying down on a sofa, quite still, and apparently, from the distance where I was, insensible; it was stated among us that he was very ill.

1912. Do you know if any stragglers came into Golden Grove after Ensign Cullen arrived there that day?—Yes; just before dark a few came in; they came in past the church, in the direction from the Post-office; they were black soldiers, and apparently belonged to the same regiment as the others; I saw no difference.

1913. In St. Thomas-in-the-East, have you any considerable communication with labourers and people of the lower classes; when first did you hear of any rumour of the shooting of the three men now in question?—I have a great deal of communication with such people; I first heard of this shooting in the month of March, or thereabouts, through the newspapers and Mr. Chisholm of Golden Grove; I never heard a word from a negro.

1914. Are you aware of the roving character of the labourers on the estates?—Yes; they are here to-day and there to-morrow; especially the younger ones; those from 14 years of age and upwards.

1915. Do you know a Mr. Alfred Brooks; what do you know of him generally?—He was a book-keeper of mine several years ago; and I know nothing good of him.

1916. *By Prosecutor.*] Were you one of the persons, who with your family, had to fly from St. Thomas-in-the-East, in consequence of the disturbances of October 1865?—Yes.

1917. Do you know of a meeting-house on Amity Hall having been burnt on the Sunday morning, 22nd October 1865?—Yes, I saw a large house, said to be a school-house, burnt down; I suppose that is what is meant, a meeting-house and a school-house.

1918. After the burning of the meeting and school-house, in what direction did the detachment or body of men go, and did they return by the same road that day?—No; they went from there up to the Top-house, Amity Hall, then through Hordly, Wheelerfield, Bachelors' Hall, Plantain Garden River Estate, Winchester Estate, and thence to Golden Grove, making a circuit.

1919. Who burnt the meeting and school-house down;

down; that is, whose party, or by what direction?—Captain Adcock directed it.

1920. The cotton tree you speak of, at or near which you looked for your black horse, is rather more on the Golden Grove side of Manning's shop, is it not; that is nearly opposite the shop, but more to the Golden Grove side?—It is in a westerly direction of the shop, Golden Grove way.

1921. Did you yourself go any way down the Holland Bay-road?—I went barely to the blacksmith's shop.

1922. Do you happen to remember who went down the wrong road; the Holland Bay-road?—No.

1923. Is that logwood fence which you say was 12 feet high on the 22nd October 1865, the same you looked through or over for your black horse?—The same one.

1924. Did the usual "May Seasons" fall in the year 1866?—It rained, but it was light; there was no overflow of the river.

1925. Did those persons who went down the Holland Bay-road return in response to the shout which you say was raised?—I presume they did, but I was hurried over the bridge by Captain Adcock, and did not stop to see.

1926. About what hour of the day was the school and meeting-house burnt?—It could not have been later than 9 a.m., about 8.30 a.m., I should say.

1927. Had these stragglers you speak of, as coming into Golden Grove the Saturday evening, their rifles and other travelling appointments of soldiers?—I can't say, I noticed their rifles, and I can't say; I did not; they had on their accoutrements when I saw them.

1928. Is the Amity Hall Great House built on a hill?—Yes.

1929. What time of day did you leave Morant Bay on the Saturday?—Just after daylight; we were getting ready before break of day, and we started just afterwards.

1930. *By Prisoner.*] How were you mounted on that Sunday morning (on a large or small horse) when you looked into that grass-piece?—A moderate sized horse; one close upon 15 hands.

1931. *By Court.*] At what place and time was it that you informed Lieutenant Adcock there was no accommodation for troops at the Iron Bridge?—By the shops in Golden Grove; it must have been just before 2 p.m., on the day of our arrival there. *J. Harrison.* 11 January 1867.

1932. Did Lieutenant Adcock and Captain Ford remain with the party the whole day, on the Sunday, and return with it?—Yes; they both did.

1933. Did you meet any Maroons on that March, on Sunday, October 22nd; if so, where; did you know any of them?—We met several Maroons with a large batch of prisoners, at Bachelors' Hall, in charge of a Maroon captain, named Mendes; several of the prisoners were flogged there, and the women were sent to Bath; this must have been between 1 and 2 o'clock. Captain Mendes went off with the women in the direction of his own residence, or Bath; they both lie in the same direction.

1934. Did Captain Mendes any time that afternoon come into Golden Grove?—I do not remember having seen him.

1935. Are Golden Grove and Bath in the same direction from Bachelors' Hall?—They are quite extreme points.

1936. When you got back to Golden Grove, 22nd October 1865, did you find whether prisoners had been brought in during your absence; do you know where from?—I could hardly say whether there had been or not, as there were a large body of prisoners left there in the morning; but if there had been, they would have been kept at the steps of the Great House, for Captain Adcock, as he always sent those for trivial offences to one building, and those charged with more serious offences to another. I did not see any at the steps when I came in that day. Prisoners for trivial offences were placed in the Mill-house; the others under the Great House to be guarded.

1937. What is the distance from Bachelors' Hall to Golden Grove?—The way we went is very nearly four miles; by the nearest road from the spot where we were, the cotton tree on the common, it is about three miles.

[The Witness withdraws.

Nineteenth Witness for Defence.

ALEXANDER CHISHOLM, Planter, residing at Golden Grove, being duly Sworn, is questioned by the Prisoner.

1938. *By Prisoner.*] How long have you been the overseer of Golden Grove?—Nearly seven years. *A. Chisholm.*

1939. Did you arrive at Golden Grove on a Saturday during martial law, with Lieutenant Adcock, Mr. Harrison, and others from the direction of Morant Bay?—Yes; Saturday, 21st October 1865.

1940. On that Saturday afternoon and evening did you see Dr. Morris at Golden Grove quarters; how did he appear to be on that day, and how on the Sunday, if you saw him then, too?—I saw him on the Saturday afternoon when he arrived, when he was complaining of being sick, very sick; Saturday night and Sunday night he was quite sick; I had to give up my own bed to Dr. Morris.

1941. At that time were you residing in the Great House quarters, and not in the usual barracks; in which building was the room in which your bed was?—I was in the Great House, not in the barracks.

1942. Do you generally reside in the barracks or in the Great House?—Generally I reside in the barracks, but at that time they were all smashed up.

1943. Did you give up your room in the barracks to any one, if so, to whom, and why, about that same time?—I gave up my room in the barracks to volunteers; such as were sick got the best rooms, mine being the best room at the time.

1944. Do you know a Mr. Alfred Brooks, a book-keeper at Golden Grove in 1865; what was the matter with him then, and where was he; what do you know of him generally?—I know him; he was then quite sick occupying my room, Saturday night and Sunday night, and the whole of Sunday; I know him for sometime, and I had him as book-keeper, and had to discharge him for

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for neglect of his duty, and I could not believe a word he said about the work.

1945. Do you know of your own knowledge whether application was on that Sunday made to Dr. Morris to attend Mr. Brooks?—I do not know that of my own knowledge.

1946. Have you a book-keeper of the name of Wilson, James or John Wilson; is he ill or well now; was he on Golden Grove during martial law?—I have a book-keeper named James Wilson; he is well now, but he has been sick; he was at Golden Grove during martial law.

1947. In entering those barracks, to what apartment do you come first from the open square up to the steps?—The open hall you enter as soon as you come into the barracks.

1948. Upon that open hall are there any bed rooms in those barracks or overseer's house?—Yes; there are four bed rooms.

1949. As you come up the steps, go into the hall, and go on to your dining room towards the church way, are the bed rooms on the left or right hand of that hall?—In the overseer's house the bed rooms are to your left hand, as you go in.

1950. In which of those bed rooms on the left hand as you enter was the room in which Mr. Brooks was; was it the one just opposite the steps, or the one next to the dining room in the overseer's house, or which?—It was the one next to the dining room, not the one next the steps.

1951. Can any one in that bed room be heard in the hall, or in either of the other bed rooms on that same hall; can he come out of that room without going into that hall, or go down the steps without going into the hall?—Any one could be heard; there is only a thin wall, and you could not turn without being heard; you must come through the hall before you go down the steps.

1952. As you enter that hall, what is there on your right hand; is that right side open or closed; and can you see from that side out upon the open square or not?—On the right hand side it is quite open; no one could go backwards or forward on the square without being seen from the hall.

1953. Did you hear on that Saturday of any three men being shot on that Saturday, the 21st October, or when first, if at all, did you hear of any such report?—I never heard of it at the time; it was about the 28th March, when I came to Kingston, I first heard of it.

1954. Were you present at the exhumation of the remains of the late Mr. Hire of Amity Hall; when was it, describe shortly as to the grave and the remains, as well as you can?

The Prosecutor objects to this question on the following grounds:—

The Prosecutor objects to any line of examination which seeks to establish evidence not of facts, but of comparisons of bodies or other objects; it cannot be said to be scientific opinions, and such a course of evidence is unfair, as not enabling the prosecutor to meet it in any way, and is not pertinent to the issue; moreover, any comparison such as is sought by the evidence now intended to be given must depend upon such numerous contingencies as to make it uncertain and misleading; the question is not objected to, so far as the fact of the opening of a grave goes, but it is where it seeks a description of the state of the body found in it.

The Prisoner replies:—

Pursuing a course pursued by the prosecutor on one or two instances, I submit the matter entirely to the Court most respectfully; I shall be perfectly satisfied with its decision; my only object is to get out the facts, and that then medical men may be called to express their opinion in the usual way on the whole of the facts proved; there can be a description, which in truth is only a statement of a fact on oath.

The Prosecutor rejoins:—

The illegality of the course of evidence now sought to be given, to the prosecutor is made manifest by the prisoner's reply to the objection of the prosecutor; this witness is asked to speak of observations made on a dead body, upon which medical men are to be called by the prisoner to give scientific evidence; the prosecutor in the present stage of the proceedings being deprived of having evidence of other and contrary opinions.

The Court is cleared for deliberation, and decides that the last portion of the question which calls for a description of the remains mentioned is inadmissible, inasmuch as the witness is not an expert, and that scientific knowledge is necessary for the description of the facts.

The Court is re-opened, this decision announced, and the witness directed to answer so much of the question as does not bear on any description of the human remains found in the grave.

Witness.] I was at the exhuming of the body of Mr. Hire on Tuesday, 8th instant; the grave was about from 14 to 18 inches deep.

1955. Did you see any hair or clothes on that body at the time of exhumation; did you perceive any offensive smell on the exhumation of the body; confine yourself to the facts solely?—I saw hair, his whiskers were quite sound, the hair on the head not so much so; he had a flannel, a merino under-shirt on, and a black waistcoat, the buttons of the latter I took off myself; one part of the waistcoat, the front part, was pretty sound, the back part not so much so; I did perceive a smell, it was very offensive.

1956. Did you see that body in any coffin at the time of exhumation; did you put him in a coffin afterwards?—I did not see any coffin, but we put him in one afterwards.

1957. Was the body found flat or level, or was it bent up in any way?—It was all straight out, except the head, which was bent on one side, to the north, and his arms were sticking up; they had not been laid flat.

1958. Was Mr. Hire a man, in his lifetime, of much hair on his head, or was he partly or rather bald?—He was rather bald on the front, but he had plenty of hair on the back of his head.

1959. Did you on exhumation see, or expect to see, any trowsers on the body of Mr. Hire; was there a reason?—There were no trowsers on Mr. Hire's body when exhumed; the reason I cannot, of my own knowledge, tell, but I did not expect to see any.

1960. When, to the best of your knowledge, was Mr. Hire killed; was he alive on the 21st or 22nd of October 1865?—On the night of the 12th or morning of the 13th October 1865.

1961. Is or is not the Mr. Alfred Brooks you mentioned the only book-keeper of the name of Brooks who was employed as a book-keeper at that

that time by you at Golden Grove; is he or not the only person to your knowledge of the name of Brooks in the volunteers at Golden Grove on the 21st and 22nd October 1865?—He was the only one of the name among the volunteers. I had no other book-keeper of that name.

1962. *By Prosecutor.*] How did you discharge Brooks, by word of mouth or by letter?—By letter.

1963. When did Brooks go into your employment, and when did he leave?—He came on the 1st, and I discharged him on the 29th October 1865.

1964. Did you see Brooks on Sunday, 22nd October; if so, tell when you saw him?—I saw him during the day, but I cannot say what hour it was.

1965. Is the place where Mr. Hire was buried on the top of a hill or on flat lowland?—It was not on the top of a hill nor yet on the flat; it was on the descent.

1966. Is it near the house?—Yes.

1967. Do you know a man named Speed from Holland Bay?—Yes, I know Speed.

1968. Did you leave Golden Grove house or barracks at any time during that Sunday, the 22nd of October 1865?—Yes.

1969. Do you know men named James Sproul, Allan Bignall, Bevis Hunter, Thomas Brown, John Hamilton, living at Holland Estate or Holland Bay?—I know John Hamilton, Sproul, and Hunter.

1970. Did you see any of the men you say you know at Golden Grove on Sunday, the 22nd October 1865?—No, I did not.

1971. You say you left Golden Grove barracks on the Sunday; tell where you went to and how long you were away?—I went as far as the Iron Bridge; I do not remember how long I was away, but not very long.

1972. Did you see any prisoners brought into Golden Grove on Sunday, the 22nd October 1865, from the Iron Bridge side?—No; I have no recollection of seeing any from that side. Prisoners came in from Duckenfield, but not from that side that I know at all.

1973. How many prisoners came in from Duckenfield, as you say; and where were you when you saw them come in to Golden Grove?—I was on the steps at Golden Grove, but I cannot say how many, as they were brought in at different times by constables. I think I may have seen about four at first, and afterwards as many more. *A. Chisholm.* 11 January 1867.

1974. What time of day did you go out to the Iron Bridge on that Sunday?—I really do not remember at what hour; it was during the forenoon.

1975. Who brought the prisoners that you saw come in?—I cannot say the names of the constables; I do not know their names.

1976. Was it before or after breakfast that you went to the Iron Bridge?—After breakfast; we had breakfast between six and seven o'clock that morning.

1977. How long after breakfast do you think it was?—I really do not remember how long. I only remember that it was before 12 o'clock.

1978. Did you ever go to the place where the bodies of the three men were taken from?—Yes.

1979. How often did you go, and when?—Several times; but only once that I am quite sure about the date, and that I think was the 28th March last.

1980. Did you on any of your visits see a hoe at or near the place?—No.

1981. Did you have to fly for your life in consequence of the disturbances in St. Thomas-in-the-East, in October 1865, and to remain in the woods?—Yes.

1982. Did you ever go back to Golden Grove from the time you fled until the 21st October 1865?—Yes.

1983. Try and remember if you did not see a hoe on one of your visits to the grave, and if you did not throw away the hoe into the thick bamboos or river?—I never did.

1984. You say you went back to Golden Grove before the 21st October 1865; state when you did?—I had to fly on the afternoon of the 12th, and remained in the bush for two days, and then on the Saturday, the 14th, I heard the soldiers were come for protection, and I went through Golden Grove and on to Kingston, and there I remained till the 21st, when I returned to Golden Grove again.

[The Witness withdraws.

It being now 4 p.m. the Court adjourns till 9 a.m. To-morrow, the 12th instant.

Twenty-first Day, 12th January 1867.

On Saturday, the 12th of January 1867, at 9 a.m., the Court re-assembles pursuant to adjournment:—Present, the same Members as yesterday.

Twentieth Witness for Defence.

John Robson Watson, of Her Majesty's Customs, Port Antonio, being duly Sworn, is questioned by the Prisoner.

1985. *By Prisoner.*] Are you the same person who was examined on the court martial about Ensign Cullen a short time back?—I am. *J. R. Watson,* 12 January 1867.

1986. Did you, with Lieutenant Adcock and others, go from Golden Grove on a route round the district during martial law; what day of the week and month was that?—I did; on the Sunday, the 21st October.

1987. On what day did you arrive at Golden Grove before that Sunday, and can you tell the date of that day?—On the Saturday before that Sunday; I think that must have been the 20th, but I really forget the day of the month just now.

1988. Who were with you on that route on the Sunday besides Lieutenant Adcock, and about how

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how many to the best of your recollection?—There was a detachment of the 6th Royals, a company of Irregular Volunteers, and Captain Astwood's troop, to which I was attached; I think there were about 60 to 70 men.

1989. Did you pass the post-office or Manning's shop on that same morning on your route?—I did.

1990. Did you and others in passing the post-office go direct at once over the Iron Bridge, or elsewhere by mistake, on that Sunday morning?—Myself and others by mistake went down the Holland Bay road that morning.

1991. Do you know the Holland Bay road well; have you been there since October 1865, and if so, when?—I know the Holland Bay road well; I was there since 1865; two days before I attended on Ensign Cullen's trial.

1992. About how far then did you go down on that road towards Holland Bay, before you turned back and went over the Iron Bridge?—About 250 yards; that was on the Sunday when I was with the volunteers.

1993. Did you take then notice of a bamboo draw-rail in a logwood fence on that Holland Bay road; are you sure you saw it on that morning?—I took notice of it, and I am positive I saw it on that morning.

1994. Did you at that same time, on this Holland Bay road, at or near that bamboo draw-rail in the fence, see any three dead bodies on that same morning. Had there been any such there then must you have seen them?—I did not see them. Had they been there I must have seen them.

1995. What made you turn back from the Holland Bay road?—We were ordered back; by "We" I mean the volunteers who accompanied me down the road.

1996. At about what hour on that morning were you on the Holland Bay road near about that bamboo draw-rail?—About 9 a.m.; it might have been 9.30 or 8.30; but it was about 9.

1997. Did you meet any number of persons that morning with hoes and shovels at or near the Iron Bridge or on the Amity Hall road towards the Iron Bridge?—I did not.

1998. *By Prosecutor.*] Who were the volunteers who, with you, went on the Holland Bay road that Sunday morning?—There were several; those that I remember are Trooper Allen, —— Lofthouse, who was acting as bugler, and Lieutenant Brass, who was attached to our troop. There were also one or two other files, whose names I do not at present remember. Lofthouse was just immediately before us.

1999. Who ordered you back, and how was that order given?—Mr. Harrison; the order was given by word of mouth.

2000. Did you hear the order given by Mr. Harrison, and did you return in obedience to it?—I heard the order, and I returned in obedience to it.

2001. Where was Mr. Harrison when he gave that order?—He came pretty near to us.

2002. State as near as you can how near Mr. Harrison came to you?—Within a very few yards, to the best of my recollection.

2003. This, then, was when you, and the others with you, were about 250 yards on the Holland Bay road, as you say?—Yes.

2004. Did Mr. Harrison alone come to you?—I do not recollect.

2005. Did you all turn back as soon as you saw and heard Mr. Harrison's orders?—We did not.

2006. Why did you not turn back?—The files immediately behind us got separated from us, and returned in the direction of the Iron Bridge a little while before us. I turned back as soon as I heard the order. I understood the question to ask why we did not all turn back together.

2007. Did those files return before Mr. Harrison came within the few yards of you?—I think they must have; as far as I can recollect, they did.

2008. At what distance from the post-office did those files return?—I could not say.

2009. Then was it you alone, with Mr. Harrison, that returned last, or were you two accompanied by any others?—I returned with Trooper Allen, Bugler Lofthouse, and Ensign Brass; it was not myself alone that returned with Mr. Harrison, we two being accompanied by others; those others are the persons whose names I have just mentioned.

2010. Where did you find the remainder of the party, the 60 or 70, when you and the others reached the post-office?—In the act of crossing over the bridge.

2011. How long have you been acquainted with the parish of St. Thomas-in-the East; when first did you go there?—I went up to St. Thomas-in-the-East three days after the outbreak; I never was acquainted with it before.

2012. When first did you go on the road from Golden Grove towards the Iron Bridge?—On that Sunday of which I have been speaking.

2013. *By Prisoner.*] You say there were files behind you when you went on the Holland Bay road, and that you turned back immediately you heard Mr. Harrison's order, did the other files actually return before you to the Iron Bridge; or did they make way for you to come first to the Iron Bridge?—They actually returned before us.

2014. You said Mr. Harrison came; do you remember whether just before Mr. Harrison came there was a shouting, and whether you may have heard it while you were on the road?—No, I do not remember if there was a shouting.

2015. You say you were not acquainted with St. Thomas-in-the-East before the outbreak, and not on that road before the Sunday; have you any doubt whatever that you did go on that Holland Bay road on that Sunday, and that was the same road and place which you have seen since, and now again spoken of on oath?—No doubt whatever.

2016. How often have you been on that Holland Bay road before this day?—Very, very frequently; how often I can't say.

2017. *By Court.*] Do you know the bamboo draw-rail to which it is alleged the three men were tied; if so, how far beyond the turning to the Iron Bridge on the Holland Bay road do you consider it to be?—I know the bamboo draw-rail, to which it is alleged the three men were tied, very well. I consider it to be, from abreast of the Iron Bridge, between one and two hundred yards down the Holland Bay road.

2018. Do you know the grave out of which the three skeletons have been taken?—I have seen the spot after the skeletons were taken out.

2019. How is the bamboo rail of which you have spoken situated in regard to that spot?—Very near to it, and almost in front of it; a little to one side entering the draw-rails; the spot is a little

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little to the left, the Holland Bay side; I have never, however, entered the field, but only been down the place.

2020. What were the relative positions of yourself and Lofthouse, the bugler, just before you were ordered back from the Holland Bay road on that Sunday morning?—I was the right-hand man of the leading file, and to the best of my recollections he was in front just before we turned; about two horses' length.

[The Witness withdraws.

Twenty-first Witness for Defence.

FRANK M'DERMOTT, Planter, residing at Plantain Garden River Estate, St. Thomas-in-the-East, being duly Sworn, is questioned by the Prisoner.

F. M'Dermott.

2021. *By Prisoner.*] Do you know Mr. Brooks, who was a book-keeper and volunteer in 1865, during martial law, and was he at Golden Grove then?—Yes; I know Mr. Brooks perfectly well; he was at Golden Grove during martial law in 1865.

2022. Were you one of the volunteers who arrived at Golden Grove from Morant Bay on Saturday, during martial law, with Mr. Brooks and others?—Yes, I was.

2023. On what days did you see Mr. Brooks; did you see him at Golden Grove on that Saturday or on the Sunday next following?—I saw him on the Saturday, the day I have stated he came with me and others from Morant Bay, and shortly afterwards, on the Saturday after his arrival at Golden Grove with myself, he complained of indisposition and went to bed; and, to the best of my recollection, he took no active part in any of the proceedings there, during the time I was there, which was a week, from Saturday to the second Sunday following.

2024. Were you at Golden Grove quarters on the Sunday just after the Saturday of your arrival, part or the whole of that Sunday?—On that Sunday, about 7 a.m., I was sent to the Rhine Pen to procure beef for the troops, and I returned to Golden Grove about 1 p.m. same day. I remained there then the rest of the day.

2025. Before you started for the Rhine on that Sunday, and after your return that day, did you see Mr. Brooks; where was he when you left, and when you returned?—When I left, at 7 a.m, I saw him in bed ailing; and on my return I saw him again in bed; we were all in the same quarters.

2026. On that Sunday, at Golden Grove quarters, did Mr. Brooks, in your presence, or to your knowledge, go away from Golden Grove and bring in any prisoners to Golden Grove; was he in a state to be able to do so?—He did not do so to my knowledge; he was not in a state to be able to do so, from what he said of himself, and from his being in bed. On that Sunday, too, the strictest military discipline was kept up. When I was sent out to the Rhine I was accompanied by two black soldiers, and no one was allowed to move out without some of the troops.

2027. *By Court.*] Do you know the room in which Mr. Brooks lay while at Golden Grove; how many ways are there of getting from that room outside the building?—Yes, I know the room perfectly well; I served as book-keeper at Golden Grove for 10 years, so I ought to know every inch of it. There are two ways of getting outside from that room; one is by a trap-door in the floor, and there is a stair leading down then under the building, from which stair you can go either to the out-offices or out on to the square by a passage leading under the house. The other way of getting out is, on leaving the room, to turn rather to the right, and then go along the piazza and down the stone steps. There is only one door to the room besides the trap-door.

2028. Is that trap-door commonly used as a mode of exit?—It is used by domestics, but no visitor would ever think of going up it.

2029. Is there any other way of leaving the hall or passage into which the door of Brooks's room opened than by the stone steps you spoke of?—No.

2030. Was a whole room given up to Mr. Brooks in the barracks at Golden Grove on Sunday, 22nd October 1865, or did any other person share it with him?—I think it was; I did not sleep in the same room with him; but I saw other volunteers going backwards into it; I cannot remember the names of those volunteers; I had no object in remembering them.

2031. How many prisoners were there at Golden Grove when you went out to the Rhine that Sunday morning; did you see whether there were more on your return than when you had left; how many more were brought in after your return, and by whom?—I cannot tell how many; I did not reckon them; but there were a good many in the millhouse where the canes are ground; I think there were more when I came back about one p.m., for the constables were apprehending and bringing them in; but I had not the curiosity to go into the millhouse and see how many; I cannot say how many were brought in; in the afternoon sometimes a constable would bring in one, sometimes two prisoners at a time; all that I saw were brought in by constables, black men.

2032. Can you give the names of any of the constables whom you saw bring in any prisoners on that Sunday; or the names of any constables you saw at Golden Grove that day, excluding constables of Golden Grove Estate?—My memory does not serve me there; I saw prisoners brought in after my return at one o'clock, but I cannot recollect the constables' names; I had no thought of committing such a thing to memory; I saw some constables from Winchester Estate, but I know none of their names, excepting those belonging to Golden Grove itself.

2033. Do you know the constables of the names of James Sproul, Bevis Hunter, Allan Bignall, Thomas Brown, John Hamilton; did you see either of them on Sunday, 22nd October?—I know Bevis Hunter, and I know a coloured man, named Hamilton, from Holland or Holland Bay; I also know a cabinet-maker, named James Sproul, but I never knew he was a constable; I also know a wain man from Holland, named Thomas Brown, if that is the same man. Allan Bignall I do not know. I never saw any of those men at Golden Grove on Sunday, 22nd, and I know them perfectly.

[The Witness withdraws.

Twenty-second Witness for Defence.

SUTTON SCOLTOCK, Pennkeeper, residing at Hayning, St. Thomas-in-the-East, being duly Sworn, is questioned by the Prisoner.

S. Scoltock.
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2034. *By Prisoner.*] Do you know Hayning and Jericho, and the road which leads to those places out of the main post road to Muirton from Quaa Hill; what distance is Muirton from that turning;' what distance is it up that turning from the point where it joins the main road to the point where it reaches Hayning and Jericho?—I know them intimately; Muirton is two miles and three quarters to that junction; it is exactly three miles from that junction to Hayning; it is so laid down in the list of parochial roads, and it is about a mile on to Jericho from Hayning, up a very steep road.

2035. What sort of a road is that road which leads from out of the main post road up to Hayning and Jericho, mountainous or otherwise; what was Hayning originally?—It is a mountainous road, a great part of it being cut out of the side of a hill; Hayning originally was a sugar estate.

2036. As you are going up that road towards Hayning from the main post road, with your back to the main post road, on which hand is Scott's Run; is it on the right or the left; in what direction?—On the left; it would lie to the south-eastward of that road.

2037. Then is Hayning in a nearer direction towards Grange Hill than Scott's Run is?—The distance is about the same; but to go to Scott's Run you would have to leave the road, the Hayning-road, after going up a part of it; but you do not leave the road till you have reached the top of the hill, near Hayning.

2038. Is there any road leading out or from that Hayning-road to Grange Hill, say by which a body of men could go, without going by the main post road from Quaa Hill towards Muirton?—No, there is no road.

2039. *By Prosecutor.*] Are there not short cuts of every sort and description all over the country?—Certainly.

2040. Are there not numerous tracks and short cuts in this very district; say, comprising the properties called Hayning, Deeling, Scott's Run, Grange Hill, and Muirton?—Yes; there are plenty of short cuts, all about there, leading to negroes' grounds, and so forth.

2041. Did you ever hear the prisoner, Assistant Surgeon Morris, say, that he had snapped his revolver five times in a negro's face, and he never winked?—No, I don't remember his ever saying that.

2042. Did you ever hear him say anything of the sort?—No, I do not remember his ever saying anything of the sort.

2043. *By Court.*] What is the shortest way from Grange Hill to Muirton?—The shortest way is by the old road, which is not used now on account of its steepness; this road joins the main road just at the Muirton fording, about half a mile from Muirton Great House.

2044. Supposing yourself going up that old road, where would it take you after passing the Great House?—It would bring you out again on the main road on the top of the hill, just before you come to the Williamsfield line.

2045. You have said that Muirton is two miles and three quarters from the Hayning turning by the main road; how far is it, supposing you go over Grange Hill?—By going through Grange Hill you would save a quarter of a mile.

2046. Could a man travel from Hayning to Grange Hill without going on the post road, and how?—Not without going through the bush; there is no road or track even, that I know of; and even if there was a track no one would use it, as the road would be the most direct way.

2047. How long has that old road been abandoned, or not used?—It has been abandoned as a main road for the last 20 years.

2048. Is that old road now practicable for a man riding or walking?—For both; you could ride or walk over it, but you could not drive over it.

[The Witness withdraws.

Twenty-third Witness for Defence.

CHARLES HENRY M'DERMOTT, Book-keeper on Wheelerfield Estate, St. Thomas-in-the-East, being duly Sworn, is questioned by the Prisoner.

C. H. M'Dermott.

2049. *By Prisoner.*] WERE you a book-keeper on Duckenfield Estate in 1865, 1866, or any parts of those years?—I was there in 1866 and part of 1865.

2050. Do you know the Duckenfield grass piece opposite to the post-office, near the Iron Bridge, towards the Holland Bay road?—Yes.

2051. Were you superintending any estate's work in that grass piece in 1865; and if so, when?—I forget the exact month in 1865, but I was in that grass piece in that year.

2052. Was it before, or during, or after martial law?—Before martial law.

2053. Were you there scything any grass afterwards?—We scythed the grass before martial law; after martial law the grass was growing up quite young.

2054. Did you see that grass just fresh and young after martial law in that grass piece?—Yes, I did.

2055. Do you know the bamboo draw-rail of that grass piece, from the Holland Bay road?—Yes.

2056. Were you near there after martial law?—I was there after martial law, and in both the grass pieces.

2057. About what month or year were you there after martial law, at the earliest period you can remember?—I was there at the end of October; between the end of October and beginning of November 1865.

2058. Do you now know the place in that grass piece out of which some bones are alleged to have been taken, in reference to this inquiry?—I do not know the exact spot.

2059. Were you near that bamboo draw-rail at the end of October or beginning of November 1865; in the grass piece?—Yes. I would have to open that rail before I could get into the grass piece.

2060. When

2060. When you were near about that bamboo rail, inside the grass piece, did you see any marks of any recent or fresh grave when you first were there at the end of October or beginning of November. If there had been any such, must you have seen them or the fresh grave?—I saw no fresh grave, as I did not go into the grass piece for the purpose of looking for that.

2061. Were you in St. Thomas-in-the-East on the 21st or 22nd October 1865, during martial law?—No, I was not; I was in St. David's, at the Albion Estate.

2062. *By Prosecutor.*] Are you the same Charles Henry M'Dermott who gave evidence in this room before a court martial which sat for the trial of Ensign Cullen?—Yes.

2063. On that court martial, was this question put to you: "Had you a gang at work there shortly after martial law, and afterwards; did you go to that gang and line out the work?" and did you make this answer: "Yes, I had two men, two scything men, cutting grass there shortly after martial law, and I went to the men and lined out the work"?—Yes, I recollect that question, and my making that answer.

2064. Were you, before that court martial, asked, "Do you know where the place is, inside this grass piece, out of which some bones were dug up, at the instance of Colonel Daniell near this same bamboo rail draw fence, and in which three persons killed are said to have been buried in October 1865?" and did you answer, "Yes, I know the place, but I never saw any grave there, though I have been through and through the grass piece"?—Yes, I did say so; for I saw no grave.

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2065. *By Prisoner.*] Which statement is correct then, that you did have two men scything or cutting in that grass piece; after martial law, or before martial law. Recollect yourself?—Before martial law.

2066. How do you explain the two statements?—Because we put about in November to commence crop, the sugar crop; all the hands were engaged. I know nothing of what took place during martial law. We very seldom cut grass during crop.

2067. Were you in this grass piece after crop was commenced?—Yes, I was.

[The Witness withdraws.

Twenty-fourth Witness for Defence.

No. 693. Corporal ALLIN HENRY MADDIX, 1st West India Regiment, being duly sworn, is questioned by the Prisoner.

2068. *By Prisoner.*] WERE you with Ensign Cullen and Dr. Morris on the march from Manchioneal to Golden Grove during martial law, and did you stop at the post-office, Manning's shop, on your march that time?—I was on that March, and stopped at the post-office.

2069. Were any three prisoners shot that day by you, or by any one at or near the Iron Bridge that day, to your knowledge?—No, not to my knowledge.

2070. Tell how Dr. Morris was that same day; was he well or ill, the whole time you stopped at the post-office that day?—He was sick with head-ache the whole time; I was with him at the time.

2071. Who attended him the whole time?—I did.

2072. Was any advanced guard sent on by Ensign Cullen that day from the post-office to Golden Grove, when you arrived at the post-office; was any corporal sent with them?—Yes, there was; with a corporal; Corporal Hunter.

Corporal *A. H. Maddix.*

2073. About how long after you got to the post-office was the advance guard sent on from the post-office by Ensign Cullen that same time?—About 10 minutes afterwards.

2074. To the best of your knowledge, did Dr. Morris ever leave the post-office, Manning's shop, from the time you arrived at the post-office till the time he left it for Golden Grove?—He did not, to the best of my knowledge.

At 1 p.m., the Court adjourns till 10 a.m., Monday next, 14th instant.

TWENTY-SECOND DAY, 14th January 1867.

ON Monday, the 14th of January 1867, at 10 a.m., the Court re-assembles, pursuant to adjournment:—Present, the same Members as on 12th instant, and proceeds with cross-examination of Corporal MADDIX.

2075. *By Prosecutor.*] WHERE did you remain all the time you were at the post-office or Iron Bridge that Saturday (21st October 1865)?—I remained in the little room joined on to the shop, where Dr. Morris was.

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2076. Did the doctor remain in the room with you all the day, from the time of his arrival until he went away?—He did.

2077. Are you sure neither of you left the room the whole time?—Yes; I am sure I only went as far as the door.

2078. What was the matter with Dr. Morris at the post-office that day?—He had the head-ache.

2079. What particular service were you rendering him from the time you arrived at the post-office?—He had no servant, and I was attending him; I was bathing his head the whole time I was with him.

2080. Did you see the "advance guard" leave the post-office; I mean, leave the place?—I did.

2081. At what time of day did it leave?—Left about 10 minutes after we arrived there; that would

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would be 10 minutes after 9 a.m., as we arrived about 9 a.m.

2082. Of what was the advance guard composed, and how did it leave?—It was composed of a section, but I cannot say the number; about 10 left altogether, under the command of Corporal Hunter.

2083. At what hour did the detachment leave the post-office?—We left about three hours after we arrived; about 12 o'clock.

2084. And at what time did you arrive at Golden Grove?—About a quarter after 12; I am not certain, but about a quarter of an hour after we left the post-office.

2085. Did you hear the report of guns at any time while you were at the post-office?—I did not.

2086. Whom did you see when you arrived at Golden Grove?—I saw a few of the 6th and some volunteers, mounted volunteers, under the command of Lieutenant Adcock, of the 6th Regiment.

2087. Did you see anybody at all, of any description, come to the post-office while you were there on the Saturday?—I saw one of the volunteers come there, I think; I saw also a few civilians come to Manning's shop, but I do not know them; they were black people.

2088. At what hour of the day did the volunteers come to the post-office?—About half an hour before we started; about 11.30 a.m., I should say.

2089. Where did that volunteer go to from the post-office?—He returned back to Golden Grove.

2090. *By Court.*] Did Dr. Morris talk to you, or give you any orders while at the post-office?—He did; he told me to get some Florida water, and to wet his head with it; nothing else was said to me.

2091. Was any one else in attendance upon Dr. Morris besides you?—No, not that I saw.

2092. Did you see Dr. Morris dismount from his horse when he arrived at the post-office, or mount when he left for Golden Grove?—I saw him on both occasions.

2093. Did he mount and dismount without assistance, or was he helped?—He mounted and dismounted without assistance.

2094. Were the rifles of the detachment loaded when you left Manchioneal?—I am not certain; my own was not, but I am not certain about the rest.

2095. Were you on the march with Ensign Cullen and Dr. Morris, from Muirton to Hayning and back, on 18th October 1865?—I cannot rightly say, but I do not think I was; I cannot recollect, as we went out to different places; I do not recollect Hayning, as I had never been in that part of the island before.

[The Witness withdraws.

[The Court is closed for a few minutes for discussion, and being re-opened—

Twenty-fifth Witness for Defence.

WILLIAM GEORGE ASTWOOD, Merchant of Kingston, is duly Sworn, and Questioned by Prisoner.

W. G. Astwood.

2096. *By Prisoner.*] DURING martial law, were you in St. Thomas-in-the-East, and what rank did you fill, and whereabouts were you, and are you a justice of the peace for the city and parish of Kingston?—I was in St. Thomas-in-the-East during martial law at Morant Bay, and in the Plantain Garden River District. I was there in command of a troop of volunteers. I am a justice of the peace for the city and parish of Kingston.

2097. On Sunday the 22nd October 1865, did you go from Golden Grove to the Iron Bridge, and who accompanied you, and did you see or hear of any dead bodies being tied to the bamboo rail in the logwood hedge of the Duckenfield grass piece, and had those dead bodies been so exposed, must you have seen them?—I did go on Sunday by the post-office and Iron Bridge; I had with me men of my own troop, men of the 6th Regiment, under Lieutenant Adcock, and some local volunteers under Ford. I did not see or hear of any dead bodies being tied to a bamboo rail; I went no further than the road opposite the post-office to the Iron Bridge; and from recent observations, I am now able to state that I could not have seen them had they been there.

2098. How long did the detachment remain at the post-office that Sunday morning, and where did you proceed to afterwards?—The detachment did not remain long at the post-office; I am not able to say exactly how long, some 15 minutes, or thereabouts, not more; we only stopped sufficiently long to recall some men who had followed the main road beyond the turning to the Bridge, and to pass the detachment over the Bridge two at a time. This was done leisurely, none of our movements were hurried that day. We went on to Amity Hall village, Amity Hall Great House, and the estates beyond that towards the Rhine; Hordley, Wheelerfield, Bachelor's Hall, Penn, Plantain Garden River Estate, Winchester, and on to Golden Grove.

2099. On that Sunday morning was Mr. George Manning pointed out to you at the post-office, and where was he standing, and did he report to you or anyone with you, in your hearing, that three men had been shot the day previous, and had he time and opportunity to do so?—Mr. George Manning was pointed out to me, he was standing in a door of the post-office. He did not report to me or to any one, in my hearing, relative to three men having been shot. He had abundance of time to do so, as I saw some of the men dismount and enter his shop.

2100. Did you receive or hear of any complaints from any one at all, as to the shooting of three men, and of their lying dead at the bamboo rail in the logwood hedge, or did any person whatever complain to you, or inform you or those with you, of three men being shot?—I received no complaints; I heard of none whatever, nor did any of the men with me state that they heard of any man having been shot.

2101. Can you tell how many were with you on that route on the morning of the 22nd October 1865, and can you tell the Court some of their names, or all, or as many as you can remember now?—All told, about 40; I can speak more distinctly as to my own troop. I remember most of them, but now I do not think I can remember all of them

them even. There was Lieutenant Brass, Serjeant Allen, Troopers Brandon, Berry, Silvera, Lofthouse, Watson, Hines. Mr. Fowles who was with me, but belonging to another troop, Mr. Saunders, also Lieutenant Adcock of the 6th Regiment, with some nine or ten men of the 6th Regiment, and Ford was there with some of his men; I could give some of the names of the latter, if necessary.

2102. Did you see any crows that Sunday morning about the Duckenfield grass piece; and had there been any, would you have noticed them. Do you believe that if three bodies had been exposed from Saturday until Sunday morning, from your own personal knowledge and observation of the habits of the crow of this country, would there not have been seen crows hovering about?—I saw no crows about the Duckenfield grass piece, or the trees adjacent. Had there been any, they doubtless would have been disturbed by the horses passing, and I should have noticed them. I do believe we should, under those circumstances, have seen a number of crows hovering about.

2103. Do you remember passing by the Duckenfield grass piece, and anything happening, or any of your men halting and talking to anyone?—I remember nothing more than the men missing the road, and being called back by Mr. Harrison: I remember, as I said before, some of the men of the party dismounting and going in and talking to Manning; I remember nothing more. I also remember Mr. Harrison riding up and looking over the fence, a little to the eastward of the post-office, just beyond it; to see if there was a horse of his there, which he had promised to lend me.

2104. Can you say about, or as near as you can, what time of the morning of the 22nd October 1865 you reached the Iron Bridge?—I did not consult any watch, but I should think between seven and eight a. m., nearer seven a. m.

2105. Did you meet, or see any persons with hoes and shovels or other digging implements on that Sunday morning, 22nd October 1865?—I neither met nor saw any.

2106. After you left the Iron Bridge, how long were you about Amity Hall, having the road therefrom to the Iron Bridge under your observation?—I should think we were about Amity Hall, and that road leading therefrom, up to 10 a. m., I should say.

2107. Had any of your troop seen any persons with hoes or digging implements, would it have been their duty to report it to you, and was any such report made?—It would have been their duty to report it, and to bring them to me; no such report or arrest was made.

2108. After you left Amity Hall, where did you go, and did the same parties who went with you to the Iron Bridge accompany you?—The next place we went to was the works at Wheelerfield; the rest of the route I have already described; the same parties accompanied us throughout.

2109. The name of Captain Ford has been spoken of several times during this inquiry; are you not aware that he was not in this island from October last year, 1866, and has been, and still is, absent from this island?—I am aware of that fact, as to his absence.

2110. Did you, on the 21st October 1865, order Mr. Brandon and Mr. Berry to go to the Iron Bridge as an advance guard; did they also, on the 22nd October 1865, go as an advance guard to the detachment which accompanied you?—I ordered them, on the 21st, to go up to the Iron Bridge, and state to Ensign Cullen that we had halted at Golden Grove, and that he must join us there. On the 22nd they went as an advance guard.

2111. You stated you sent Berry and Brandon to the post-office on the 21st October: what time of the day was it, can you remember, or as near as you can?—As near as I can recollect, I sent them between one and two p. m., but I beg it to be understood that I do not profess to be giving hours with great accuracy, as I consulted no watch.

2112. Did you give Mr. Berry and Mr. Brandon, on the morning of the 22nd October 1865, any instructions, and what was their nature, or did you leave them to act without instructions?—They had general instructions from me to scan the country on either side, and to report to me anything extraordinary or unusual.

2113. When first did you hear the report about the killing of the three men at the Iron Bridge, and did you, as a fact, make any inquiries of your men about it?—I first heard the report when the Royal Commission was drawing to a close. I did make inquiries of my men, as the circumstances so surprised me.

2114. Did you have any occasion to communicate with Dr. Morris on the afternoon of his arrival at Golden Grove; that is to say, Saturday, the 21st October 1865?—Shortly after his arrival at Golden Grove, I went into the drawing room and found him lying on the sofa; I shook him and told him to get up and talk to us. He turned over, and in a sort of grumbling manner said he was ill. He lay still and did not get up.

2115. Are you aware, whether or not, bodies of black soldiers, volunteers, and Maroons, were about the district before and after you were there on 21st October 1865?—I am aware, of my own knowledge, that they were there whilst I was there, up to the 24th, before and after I heard they were there, but this I do not know of my own knowledge.

2116. Did Ensign Cullen sit near you on the arrival of troops at Golden Grove, on the 21st October 1865 at dinner; if so, did he state that any men were shot on that line of march?—He sat near me at dinner; he did not mention about any men being shot, though our conversation was free, and on the subject of our respective marches.

2117. Are you aware, of your own knowledge, that Mr. Mortimer Brandon, one of the members of the troop of volunteers under your command, is still absent from the island?—I am aware of my own knowledge that he is.

2118. About Golden Grove on that road, about that time, Sunday, 22nd October 1865, and when you were there, who were chiefly to be seen, males or females, or any one?—There were not many people to be seen; they were chiefly women, children, and old men; and people with sore legs, &c.

2119. During martial law, was it the habit of the negroes to congregate around any detachment of troops whilst they were halted?—It was rather their habit to get out of the way; we seldom could get a boy to hold our horses if we wished it.

2120. Did you, on Sunday morning the 22nd

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day of October 1865, see any persons congregated about the post-office and Iron Bridge?—I saw no congregation; I only remember seeing one person, who was a domestic of Manning's, or had something to do with his establishment.

2121. Have you been lately to the post-office at the Iron Bridge, Plantain Garden River, and when?—I was there on 30th December last.

2122. Did you make any observations respecting the bamboo rail in the logwood hedge, leading to the Duckenfield grass piece, and if so, what were they?—I placed Mr. Sinclair, a taller person than myself, at the bamboo-rail; I then mounted a horse and rode to the middle of the road, opposite the post office, and observed, if I could see Mr. Sinclair; knowing he was there I could discriminate the outline of his head, through the upper leaves of the foliage of the hedge; had the hedge been the least bit higher I could not have seen him. The line of vision, where I sat, crossed the hedge obliquely, twice, in consequence of its curve.

2123. Were there any interstices in the logwood hedge through which you could see, looking towards the bamboo rail in that hedge?—Looking at the hedge at a right angle to it, there were openings in the stumps forming the hedge; but all those openings were naturally closed when looking obliquely at the hedge, one part overlapping the other, and it was thereby utterly impossible to see through it.

2124. Did you, when you last visited St. Thomas-in-the-East, ride down on the road towards the bamboo rail, as far as where you observed some of your troop go on the morning of the 22nd October 1865, and if so, what did you observe?—I rode down as far as where I observed the leading files of the troop go on the 22nd October 1865, when they passed the road to the Iron Bridge. I saw the rail fence then distinctly before me, and the whole of the figures of Mr. Sinclair and Mr. Bury distinctly, standing at the bamboo rail; I did not go down actually as far as the rail, but as far as where I had seen my men go on that Sunday.

2125. How do you account for your troop missing the way on the morning of the 22nd October 1865?—We were to have been led by Mr. Harrison as guide, as none of us knew the road, but he happened to be behind at the time, looking for his horse, and the men naturally followed the main road, in his absence, not being told to turn off.

2126. How many paces is the bamboo rail, in the logwood hedge, from where your men should have turned off to the Iron Bridge?—It is 56 paces from the turn off to the Iron Bridge, down to the bamboo rail.

2127. How far, on those 56 paces, did you observe those men of yours, when you stopped them?—I can't say how far those in front went, but the main body of them were about two-thirds of that distance.

2128. Was it possible for any one, being a volunteer or otherwise, to have handed over prisoners to Lieutenant Adcock and Ford at the hour of half-past 10 o'clock in the morning of Sunday the 22nd October 1865?—We only had prisoners handed over at Bachelor's Hall Penn that day by Captain Mendes, a Maroon captain; there were eight or 10 prisoners; this was about 12 noon, we saw no other prisoners on our march that day.

2129. Did you, when last in St. Thomas-in-the-East, examine the posts and rails of the bamboo rail in the logwood hedge, and did you see any bullet marks on any of them?—I saw some old posts and rails still standing; I saw other old ones lying on the ground which had been replaced by new ones in the rail; I examined the whole of these old bamboos most minutely, and saw no traces of bullet marks. Alfred Berry also examined them with me.

2130. *By Prosecutor.*] Did you, or any of your party, on the 22nd of October, burn any buildings?—There were buildings burnt that day by our party, at Quaa Hill, and elsewhere.

2131. Did you burn any on Amity Hall Estate; if so, state what sort of building?—I speak of Quaa Hill as Amity Hall; the description of buildings were negro huts, and one place a chapel of some sort; I do not know of what denomination, if any was burnt at Amity Hall.

2132. At what hour was the chapel, as you describe it, burnt?—I should say between nine or 10 a.m., or about nine a.m.

2133. At what hour did you, and the others with you, arrive at Golden Grove on the 21st of October?—Between one and two p.m., but I again repeat I cannot give the hours exactly.

2134. By whose directions did you send off Berry and Brandon to Ensign Cullen on the 21st October?—It was suggested to me to do so by Lieutenant Adcock.

2135. Did you ever lose sight of Berry and Brandon on the morning of the 22nd?—I cannot answer that question; I can only reason upon it; I did lose sight of some of those in front, but cannot say who they were.

2136. How far forward did Berry and Brandon go on the morning of the 22nd, that is, of the main body?—Whilst in the cultivated district they did not ride far in front, some 20 to 25 yards, more or less; when we passed the bridge we were more particular, and made them ride some 50 to 100 yards in front, and Mr. Harrison with them.

2137. You account for the men going on the wrong road by saying that Mr. Harrison, who was to act as guide stopped to look for his horse; were you all going, or did you all go right, until he stopped to look for the horse?—Until we arrived at the Iron Bridge we followed the main road, and could make no mistake before the bridge; I knew we were going to Amity Hall, but did not know the road to it.

2138. Was it known before you left Golden Grove, by the detachment generally, what your route was to be?—I do not think it was.

2139. Are there any roads off the direct road, from Golden Grove to the Iron Bridge, or post-office, before you reach the Iron Bridge, or post-office?—There are cane piece intervals and a road leading to Duckenfield Estate; I do not know of any others.

2140. Did any of your party take the road leading into Duckenfield?—I saw none; I should say not.

2141. Are we to understand that you went, on the 30th December last, only as far down the Holland Bay Road as the spot which those who went by mistake down that road reached on the 22nd October 1865?—I went farther; but the evidence which I gave to-day meant that I went at first for the purposes of observation only, as far as the place which my men reached on the 22nd October.

2142. Then on the morning of the 22nd of October,

October, you had the men in view from where you remained until they reached this spot?—I had the bulk of the men in view; but, as I have already stated, some of those in the extreme front were very probably out of my view. I cannot say whether or not those farthest in front were out of my sight.

2143. You have said that soldiers, volunteers, and Maroons were about, while you were in the district; will you state, as near as you can, how many Maroons you saw, and when you saw them?—I saw Maroons on the 22nd October, some three or four, along with Mendes, a Maroon, who delivered prisoners up to us at Bachelors' Hall, Penn. I also saw Maroons in the afternoon who came to Golden Grove, and delivered prisoners up to Lieutenant Adcock. I do not know who these Maroons were who came to Golden Grove later; but I am inclined to think they were the same as those we had previously seen at Bachelors' Hall.

2144. What became of the prisoners which Captain Mendes had at Bachelors' Hall?—Some were flogged and sent away, others were dismissed without punishment.

2145. When all the prisoners were disposed of, as you have just stated, at Bachelors' Hall, what became of Captain Mendes?—He went away in another direction from us; we separated; I cannot tell the road he took.

2146. *By Court.*] Did you send written or verbal orders by Brandon and Berry, when you sent men from Golden Grove on 21st October 1865 to the post-office?—Verbal.

2147. In what part of the column did the detachment of the 2nd Battalion, 6th Regiment march; were any of them left behind when you moved over the Iron Bridge, and on the road beyond, on Sunday the 22nd October 1865?—The men of the 6th Regiment were in the middle of the column, behind my men, and in front of Ford's. I cannot say whether any of them were left behind on that occasion, but they were in the habit of falling out whenever they got a chance; and my men were often sent back to bring them up.

2148. Can you give the names of the men you say you saw dismount and enter the post-office on that Sunday morning, 22nd October 1865?—I can only name two; I saw Captain Ford and a man of the name of Stuart; Stuart is now a book-keeper on Golden Grove Estate, but I do not know his Christian name.

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2149. Did the party halt at the Iron Bridge, and not pass over until the men who had gone down the wrong road had returned and resumed their proper places in front?—The party halted, and the men who had not gone beyond the turning commenced to pass the bridge. Those who had gone down the road returned, and resumed their places as best they could.

2150. Did you, as commanding officer, wait until all had passed over, and the error was corrected?—I passed over with the last of my own troop who were in order, and in front of the men of the 6th Regiment and Ford's men; and I corrected the mistake after we had passed over the bridge.

2151. When did you see a volunteer of your troop, Watson, pass over the bridge?—I do not think he passed over in front of me; I do not remember seeing him particularly.

2152. Did you see any of the men of the 6th Regiment dismount at the post-office on that Sunday morning?—I did not observe any of them.

2153. Did you go into the Duckenfield grass piece when last in St. Thomas'-in-the-East, and did you see any mounds in that grass piece which might lead you to suppose that they indicated the sites of graves?—I went into the Duckenfield grass piece when last in St. Thomas'-in-the-East, and within about six paces of the rail, and parallel with the rail; the ground is a little higher than the rest of the field, although it might not be termed a mound; this mound would only indicate the sites of very old graves; there were no angles to indicate a grave in the usual way, and it therefore could only have been such a one as had been trampled down by cattle. I observed no other mounds but this one.

2154. Do you know the date of Mr. Ford's departure from Jamaica; was it before the beginning of October or not; if before, how long before; was it after the arrival of this court martial in the island?—I do not know the date, but I believe it was before the first court martial commenced its sittings. He has been away for several months. I cannot say whether his departure was after the arrival of the Court in this island.

[The Witness withdraws.

Twenty-sixth Witness for Defence.

JOHN HENRY DAVIS, Cashier to Mr. Charles Levy, and residing in Kingston, being duly sworn, is questioned by the Prisoner.

2155. *By Prisoner.*] WERE you, during martial law, in St. Thomas-in-the-East, and were you attached to Captain Astwood's Volunteer Cavalry?—Yes, I was.

2156. On Sunday morning, the 22nd October 1865, did you leave Golden Grove, and go towards the Iron Bridge; and when you went along the road from Golden Grove, were you stationed on the right or on the left hand?—Yes; and to the best of my recollection, I was on the right hand.

2157. Had you received that morning any orders to keep a sharp look out, and did you do so?—Yes.

2158. Did you on that Sunday morning meet any labouring people with hoes, shovels, or pick-axes, or other digging implements?—No, I did not.

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2159. Did you see the bodies of three men from the Iron Bridge, towards the Holland Bay-road, to your right as you crossed over along that road on Sunday, 22nd October 1865?—No, I did not see any dead bodies that morning.

2160. Did you hear on that morning, Sunday, 22nd October 1865, any complaint that three men had been shot the day previous, or was any information given you, or those with you, by any one upon that subject?—No; I did not hear of any such thing myself.

[The Witness withdraws.

Twenty-seventh Witness for Defence.

No. 740. Private John Edge, 2nd Battalion 6th Regiment, being duly sworn, is questioned by the Prisoner.

Private *J. Edge.*

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2161. *By Prisoner.*] WERE you ever at Muirton in St. Thomas-in-the-East; if so, when first, and what did you do when you arrived there, and where did you go to the first night of your arrival, and with whom?—Yes; I was there first on 16th October 1865; I went that evening with a party under command of Dr. Morris; he was in charge; to Bettys Hope; the party consisted of one non-commissioned officer and 12 privates.

2162. On returning that 16th October 1865, from Bettys Hope, was the party halted; if so, state for what purpose?—On returning, about midway between Bettys Hope and Muirton, Dr. Morris gave the command to halt. He ordered a few men to dismount, and assist him in searching for his revolver pin and chambers. I was one of the men who dismounted and assisted in the search; the chambers were picked up and handed to Dr. Morris; but we could not find the pin, as it was then dark; we then came home to Muirton without finding the pin. Private Harrison, 2nd Battalion 6th Regiment, picked up the chambers.

2163. Were you present on the 18th October 1865, when Dr. Morris and Ensign Cullen left Muirton with a party of men; and had he, Dr. Morris, his revolver with him; were you present when he returned, and did you notice whether Assistant Surgeon Morris had a revolver then?—I was present on the 18th, when they left Muirton. Dr. Morris had no revolver; I was present when they came back to Muirton, and he had no revolver then.

2164. *By Prosecutor.*] By what means did you come to know that Dr. Morris had not his revolver with him?—I was standing near to Dr. Morris when he mounted his horse that morning. I saw that he had no revolver with him when he left Muirton. I saw his revolver lying on the window at Muirton House during his absence that day.

2165. What was your duty on that 18th of October 1865?—I mounted guard about 10 a.m.; the guard-room in which we were stationed was next to the room where the pistol lay on the window.

2166. Was it while you were on guard that you saw this pistol on the window in the next room?—Yes.

2167. Who occupied the next room, on the window of which you saw the pistol?—It was the officers used to sleep in that room; Captain Hole, Ensign Lewis, Ensign Cullen, Dr. Morris, and Lieutenant Warmington, of the volunteers. It was also used as a court-martial room.

2168. At what hour of the day of the 18th October did you see Dr. Morris go away?—It was about seven a.m.

2169. How then did you know it was Dr. Morris's pistol that you saw on the window?—Because the chamber was separated from the other part, from being deficient of the pin.

2170. And were you able to see all that without taking up the pistol from where you were on guard?—Yes.

[The Witness withdraws.

Twenty-eighth Witness for Defence.

No. 229. Lance Corporal JOHN HANDLEY, 2nd Battalion 6th Regiment, being duly sworn, is questioned by the Prisoner.

Lance Corporal *J. Handley.*

2171. *By Prisoner.*] DID you report yourself sick on the 16th October 1865; if so, to whom, and where were you then?—I did, to Dr. Morris at Muirton.

2172. Were you at Muirton in St. Thomas-in-the-East on the 18th October 1865; did you see Dr. Morris and Ensign Cullen with a party of men leave, and had Dr. Morris a revolver with him; and on his return did you see if he had a revolver?—I was there on the 18th; I saw that party leave; Dr. Morris had no revolver in his possession; I saw him on his return, and he had no revolver then.

2173. Were you on duty that day, 18th October 1865; if so, on what duty; would you, from where you were on duty, have seen Assistant Surgeon Morris when he went out?—I mounted guard that day, as corporal of the guard, about nine a. m. Dr. Morris went out before I was on duty, but I did see him when he went away.

2174. How do you remember that 18th October 1865 from any other day, had any detachment been sent out before under Ensign Cullen?—Because it was the first detachment that was sent out, except the one that went under Dr. Morris to Bettys Hope; none had gone out under Ensign Cullen before.

2175. Had you seen Dr. Morris's revolver about Muirton House, and where, and for how long?—About a week; on the second window on the right hand side of Muirton House. It was rusty, and on one occasion I saw it in two parts on the window.

2176. *By Prosecutor.*] How came you to be so very observant of Dr. Morris, and of what he had, or had not with him?—Because I was present on the ground, and could not but see; taking notice of all parties leaving.

2177. Are you sure you saw Dr. Morris's revolver for a week on the second window on the right side in Muirton House?—I might not have seen it a week, it might have been a day short; but it was about a week, to the best of my recollection.

2178. Was that before or after the day he went out with Ensign Cullen, of which you have spoken?—A week after, and on that day also.

2179. What part of the house was that window on which you saw the revolver?—It was on the left of the house as you entered on the front entrance; on the right as I entered from the guard.

2180. How far is this from the guard-room?—About five yards, as near as I can put it.

2181. What do you say was the matter with the revolver that occasioned it to be left behind?—The breech-pin was lost; it was deficient of the breech-pin then, when it was on the window.

2182. Did

2182. Did you ever take the revolver in your hand?—Yes.

2183. When did you do so, and why?—I cannot recollect the day when I did so, but it was to satisfy my own curiosity, to see what was the matter with it.

2184. *By Court.*] Did Ensign Cullen take a revolver out with him on the 18th October 1865, or any one else of that party?—I did not see any in his possession; I do not think he did; nor did any one else that I know.

Lance Corporal *J. Handley.*

14 January 1867.

[The Witness withdraws.

Twenty-ninth Witness for Defence.

No. 252. Serjeant LEWIS O'CONNOR, 1st West India Regiment, being duly sworn, is questioned by the Prisoner.

2185. *By Prisoner.*] WERE you one of the men on the march with Ensign Cullen and Dr. Morris, and others, from Manchioneal, past the Iron Bridge, halting at the post-office, then on to Golden Grove on 21st October 1865?—Yes.

2186. Whilst at the post-office did you shoot, or see shot any prisoners, and did you hear any report of guns?—I neither shot, or saw shot any prisoners, nor heard any reports of guns.

2187. Was an advance guard sent on to Golden Grove from the post-office, and who was in command?—I cannot say; I do not remember.

2188. Where was Dr. Morris during the time you were at the post-office?—He was sick, inside the house.

2189. Were you out with Ensign Cullen and Assistant-surgeon Morris, on 18th October 1865, that is the first detachment sent out under Ensign Cullen?—Yes.

2190. Where did you go on the 18th October 1865, and did you see any one shot that day?—We went to Haining; I saw no one shot that day.

2191. *By Prosecutor.*] Where were you all the time the detachment was at the post-office on the 21st of October?—I was sitting down there, outside the post-office door in front.

2192. Were you sitting on the ground, or on what?—On the ground.

2193. Did Dr. Morris leave the room in which you say he was at the post-office, at any time while you were there?—No.

2194. Will you now tell what part of the premises you were sitting or lying down at, while you were at the post-office?—In front of the door, where you can see outside the road.

2195. Did you remain at that same spot all the time you were at the post-office?—I moved up and down.

2196. What time did you arrive at, and what time did you leave the post-office?—I arrived there about nine o'clock, but I can't remember what time I leave.

2197. And being, as you say, all that time in front, moving up and down, did you see anybody at all come to the post-office?—I see people pass in the road.

2198. Did you see anybody at all stop at the post-office during all that time?—No.

2199. When you marched from Manchioneal to the post-office, on the 21st October, were the rifles of the detachment loaded or not?—They were not loaded.

2200. Are you quite certain that you saw no one stop at all at the post-office, and speak to any one at all, all the time you were there?—There is none stop there.

2201. Did you meet any one on the way from the post-office to Golden Grove?—I do'nt remember I met anybody.

2202. You say you went to Haining on the 18th of October; where did you go from, and what road did you take, and what properties did you pass through to get to Haining?—I go from Muirton to Haining; we took the main road; we don't pass through any properties; I do not know the names of places there, as I am a stranger there, but I know we walked round by the main road to go to Haining.

2203. Did you get on the main road immediately after you got out of Muirton, and did you ever leave the main road at all anywhere between Muirton and Haining?—We got on the main road immediately after we leave Muirton, and by the main road from Muirton up to Haining.

2204. Do you know a place called Grange Hill; where is it?—I don't know it.

Serjeant *L. O'Connor.*

It being now 4 p.m., the Court adjourns till 10 a.m. to-morrow, 15th instant.

TWENTY-THIRD DAY, 15th January 1867.

On Tuesday, the 15th January 1867, at 10 a.m., the Court re-assembles, pursuant to adjournment:

Present, the same Members as yesterday, and proceeds with the cross-examination of Serjeant L. O'CONNOR.

2205. *By Prosecutor.*] Do you know a place called Deeling?—No.

2206. At what hour of the day did you leave Muirton to go to Haining?—Between 6 and 7 a.m.

2207. At what hour did you return to Muirton?—About 4 p.m., but I don't rightly recollect.

2208. Did you do nothing then beyond marching from Muirton to Haining and back to Muirton during all that intermediate time?—No; nor did nothing but march to Haining and back.

2209. *By Court.*] What rank did you hold when with that detachment at Muirton?—I was a full corporal.

Serjeant *L. O'Connor.*

15 January 1867.

Serjeant *L. O'Connor.*
15 January 1867.

2210. Was the detachment at Muirton composed of men of your own company, or was it made up from different companies. Were there any men of any other regiment in it?—They were of different companies. I belonged to No. 5 Company of 1st West India Regiment, and all the black soldiers belonged to that same regiment.

2211. Do you know places called Scott's Run and Jericho?—No.

2212. Was there a man called Andrew Williams in the detachment; to which company did he belong?—Yes; he belonged to No. 5 Company of my regiment.

[The Witness withdraws.

Thirtieth Witness for Defence.

No. 162. Private JOHN DOOLAN, 2nd Battalion 6th Regiment, being duly sworn, is questioned by the Prisoner.

Private *J. Doolan.*

2213. *By Prisoner.*] Do you remember martial law; where were you on the 18th October 1865, and what occurred on that day, to the best of your recollection?—I remember martial law; I was at Muirton on the 18th October 1865. On that morning I remember a party of 1st West India Regiment going out under Mr. Cullen at day-break; Dr. Morris was along with him; they went down the main road; and after breakfast that same morning a party of six men of the 6th Regiment went down part of that same road under Serjeant Webster, and turned off to Grange Hill. I was one of the party. Serjeant Webster and part of the men asked if any black soldiers had been there; that is, at Grange Hill, that morning, and they were told "No."

2214. Why did you, on that 18th October, go to Grange Hill?—We were allowed out when off duty; we were not on duty when we went to Grange Hill, but went out for a ride.

2215. Did you see any dead body at Grange Hill, or hear of any having been shot there on that day?—No, there was no dead body; I did not hear of any one having been shot.

2216. Did you see Assistant Surgeon Morris start on the morning of the 18th October; if so, did you speak to him at all or do anything for him, and to the best of your belief how was he armed?—I saw him start that morning; I caught a horse for him; he only had his sword.

2217. Did Assistant Surgeon Morris ever ask you to clean his revolver; if so, when?—He did; the afternoon before he went out; the afternoon of the 17th; and asked me to put it back in the same place I brought it from, on the window bottom; it was in two pieces then. I went the next morning, after he went away, to look at it; it was too rusty, and I had no oil to clean it with; I did not clean it; it was impossible, and I left it in the same place in two pieces.

2218. *By Prosecutor.*] At what time of the day did you arrive at Grange Hill; that is, Serjeant Webster and the six men?—I could not exactly say that; I do not remember; but it was about an hour, or an hour and a-half after we left, as it was not far from Muirton. We left Muirton after breakfast; about 9 a.m., as near as I can guess.

2219. Did you dismount at all at any place during that ride?—We dismounted at intervals and walked a bit; I cannot remember the name of any place. I could not think of the names of all the places, it was so long ago.

2220. Did you go into any house?—No.

2221. Did you hear, before Ensign Cullen and Dr. Morris left, on the morning of the 18th October, what place they were going to?—No.

2222. How many people did you see at Grange Hill?—I could not exactly say, not very many; they would not stand when they saw us coming; some were women and children; part were creoles, that is, light coloured, and some were black.

2223. Whereabouts on the property did you see them, and were they altogether or how?—They were scattered; not all together, here and there.

2224. How often then, and of how many did you ask about the black soldiers?—We asked several; Serjeant Webster and some of the men asked.

2225. What made you ask at Grange Hill if black soldiers had been there that morning?—We used frequently to do it when we went out. One of the black soldiers once shot a hog, and was away for four or five days, and after that we always used to ask about them; a report about the hog came in to Captain Hole; it was at Muirton the soldier broke away.

2226. After leaving Grange Hill that morning, where did you go?—We went further on, but I could not name the place; it was a zigzag road with bread-fruit trees and cocoa-nut trees all along the road, and very few houses.

2227. What time did you return to Muirton?—In the afternoon, before Mr. Cullen's party got back.

2228. *By Prisoner.*] Did you see Dr. Morris when he came home, and how was he armed then?—I did; he had only his sword then.

2229. *By Court.*] What kind of uniform did Assistant Surgeon Morris wear that day, the 18th October 1865?—He wore a patrol jacket of red serge.

2230. Was his sword belt over or under the patrol jacket?—Outside.

2231. Had Ensign Cullen, or any of his detachment, a revolver on 18th October 1865, when they left Muirton?—No; Ensign Cullen never did carry one.

2232. What arms did you or any of your party take out with you on that 18th October 1865?—Rifles and our ammunition; we went armed every place we went.

[The Witness withdraws.

Thirty-first Witness for Defence.

ROBERT SCOTT BRASS, Storekeeper, Kingston, being duly sworn, is questioned by the Prisoner.

R. S. Brass.

15 January 1867.

2233. *By Prisoner.*] WERE you in St. Thomas'-in-the-East during martial law, and were you a volunteer; in what company, and what rank did you hold?—I was in St. Thomas'-in-the-East during martial law in October 1865; I was Acting Lieutenant of Astwood's troop, Adcock's column.

2234. Do you remember being with Mr. Watson on a route from Golden Grove under Lieutenant Adcock and Captain Astwood, towards the post office, Iron Bridge and elsewhere, round the district and back to Golden Grove, on Sunday the 22nd October 1865?—I do.

2235. Did you and others go direct over the Iron Bridge when you left the post office, or did you, in company with any one, go elsewhere before you went over the Iron Bridge?—We kept the main road; I was led to believe that that road leads to Holland Bay. There were several members of the troop who went with me that road; Serjeant Allen, Private Watson, and others whose names I cannot at this moment recollect.

2236. Were you ordered to return, and what was the cause of the mistake, as far as you can remember?—I cannot say; I was ordered back, but I heard some one shouting, calling to turn back, and I did. The commanding officers, Captain Adcock and Captain Astwood, were in rear of the party; I rode opposite the second file, on the left. I had no orders where we were to go to, therefore I kept the main road.

2237. Was Private Watson in advance of you, and did you go down the Holland Bay-road as far as he did?—He was one file in advance of me; I cannot say whether I went as far as he did.

2238. Did you see or hear of any dead bodies on that road, which, with others, you so mistook that morning?—I did not see nor hear of any dead bodies.

2239. Did you see any persons with hoes or other digging implements whilst on that route?—I did not.

2240. Did you see any crows about on the trees, or elsewhere on that road, that morning?—I did not.

2241. When did you first hear of the shooting of these three men, the subject of this investigation?—Not until I returned from England, in the month of July last.

2242. *By Prosecutor.*] Did you mistake the road at all between Golden Grove and the post-office?—I did not.

2243. Did the party ride fast or slow from Golden Grove to the post-office?—I think the troop was at a walk most of the time; I cannot recollect now whether we cantered at all.

2244. Do you know if any one at all mistook the road between Golden Grove and the post-office?—I do not know.

2245. How far in advance were you of the main body at the time you arrived at the post-office?—I cannot say that I was in advance of the main body at all; I rode, as I said before, opposite the second file from the head of the column.

2246. Did you all, then, arrive together at the post-office?—We did, as near as I can recollect.

2247. Then how far were you able to go down the main road, as you say, before the shouting you speak of was made?—I should say from 25 to 30 yards, reckoning from opposite the Iron Bridge.

2248. Can you not tell the Court how far in front of you Private Watson was on that main road that morning?—Not more than a horse's length. When I say that, I mean that we were as close as we could possibly ride together; he being in front, and I next to the man who was behind him.

[The Witness withdraws.

Thirty-second Witness for Defence.

No. 634. Private THOMAS GARDNER, 2/6th Regiment, being duly sworn, is questioned by the Prisoner.

Private *T. Gardner.*

2249. *By Prisoner.*] DO you remember martial law; if so, where were you then?—I remember it, I was then at Muirton House.

2250. Where were you when the first detachment left Muirton under Ensign Cullen; where did you go on that day?—I was at Muirton House that day, and I went down towards Grange Hill.

2251. With whom did you go to Grange Hill; what non-commissioned officer was in charge?—There was about six or seven men; I cannot say to a man. Colour Serjeant Webster was the non-commissioned officer. The only other names I know are those of two men of my own company, Privates Doolan and Allen.

2252. Did you hear of, or see any dead bodies on that day at Grange Hill?—We went to Grange Hill, and I did not hear of or see any dead bodies there.

2253. Did you ever see Assistant Surgeon Morris' revolver anywhere at Muirton, if so, what would lead you to that part where it was lying, and how many times in a day would you generally go near it?—I did, going from the guard-room to see the time, you went into the room where the revolver was lying; whenever you went to see the time, or to get the daily allowance of spirits that were served out to us, you could see it.

2254. *By Prosecutor.*] How did you know it was Dr. Morris' revolver?—Because I know the revolver. I have seen it in his possession before, and because I saw Doolan get a hold of it to clean it.

2255. Were you on duty on the day you say you went to Grange Hill with Serjeant Webster, and had you any arms with you; were you riding or walking?—No; I was only on duty going out, that is, for our own pleasure; we had our arms and accoutrements complete; we were riding.

2256. What day was it on which you went to Grange Hill; day of the week, month, and year?—It was on the 18th October 1865; it was Wednesday.

2257. Did you go into any house at Grange Hill?—No, I did not.

2258. Did you see anybody at Grange Hill?—I seen a few women and children.

Private *T. Gardner.* 15 January 1867.

2259. Did you speak to any of them?—We axed them if there was any black troops there.

2260. Why did you ask that question?—Because it was an understood thing. Captain Hole gave orders to ask, because they were in the habit of breaking out; breaking away from the party.

2261. And were they in the habit of doing that when out on duty under the command of an officer?—I can't answer that, because I was never out with them.

2262. Did you not know that they were out on duty that morning under the command of an officer?—I know they were out under the command of Mr. Cullen.

2263. At what hour did you leave Muirton, and at what hour did you return to it?—One party might have left about 9 or 9.30 a.m., I could not say to half-an-hour, and returned about 3.30 p.m., as near as I could guess.

2264. How long did you remain at Grange Hill, and where did you go after leaving it?—I could hardly say; we might have stopped there an hour; we came on back the same road.

2265. *By Court.*] How was the room in which you saw Dr. Morris' revolver, occupied?—It was occupied by the officers; a sleeping room at night; and as a court-martial room in the daytime.

[The Witness withdraws.

Thirty-third Witness for Defence.

No. 1147. Private FIELDING WOLSTENHOLME, 2/6th Regiment, being duly sworn is questioned by the Prisoner.

Private *F. Wolstenholme.*

2266. *By Prisoner.*] WERE you one of the men on the march with Ensign Cullen and Dr. Morris, with others, from Manchioneal, past the Iron Bridge, halting at the post-office on Saturday the 21st October 1865?—I was; I believe, about that date.

2267. What was your rank on that march?—Company Serjeant Major of No. 7 Company, 1st West India Regiment.

2268. Where was Dr. Morris during the time you were at the post office?—He was in a room adjacent to the post office.

2269. Was he well or sick?—He was sick.

2270. Whilst at the post office on that day, did you see or hear of any three persons being shot at or near the post office, Iron Bridge, or grass piece?—I neither saw nor heard tell of any being shot.

2271. Did you hear the report of any guns whilst you were at the post-office that day?—I did not.

2272. From the time you arrived at the post office up to your leaving, did you see Dr. Morris?—I did; I mean that I saw the doctor in the room lying down, as I was walking up and down under the shed.

2273. Where were you on the 18th October 1865 when Ensign Cullen went out?—I was with him at Hayning.

2274. Were you out as company serjeant major on the 18th October 1865 when Ensign Cullen and Assistant Surgeon Morris went up to Hayning and Jericho, instead of Friendship; if so did you see any man shot on that day?—Yes, I was company serjeant major on that day, when we made a mistake about the road, I think it was; I did not see any man shot that day.

2275. Did you hear of any man having been shot on that day?—I did not.

2276. *By Prosecutor.*] What time of day did you arrive at the post-office, and when did you leave it?—On the 21st we arrived about 9 a.m., and left at about 12 o'clock.

2277. Did you see any person at all, of any description, white or black, civilian or otherwise, come to the post-office while you were there?—I saw two volunteers, they were afterwards called, but I took them to be Artillery officers; they came there about 12 o'clock; these two I have mentioned are the only persons I saw of any description come to the post-office while I was there.

2278. Where did you go to from the post-office, and whom did you see on reaching that place?—To Golden Grove; I saw a few of our own men, that is, of 1st West India Regiment, who had gone on previously, and some volunteers.

2279. Did you see anybody (who was not at the post-office when you arrived there) talking to Ensign Cullen at the post-office that day?—I did not.

2280. You have said you were in front of the post-office, walking up and down; were you at the same place and so occupied during all the entire time you remained at the post-office?—No, I did not walk all the time; sometimes I sat down on the steps at the doorway.

2281. Do you know a place called Grange Hill; did you ever go there?—No, not by that name.

2282. On leaving Muirton, on the 18th of October 1865, what road did you take to go to Haining?—I do not know the road, except that it was the main road, till we turned to go to Haining. I think it was a half-moon road; that is, shaped like a half-moon.

2283. What do you mean by a main road, as distinguished from any other road; describe it shortly to the Court?—I mean the proper road, the public road; I do not mean a pathway.

2284. Did you not leave the main road at all anywhere between Muirton and Haining; did you take no short cut over any road not as good as the main road?—No, not before we turned to Haining.

2285. Did the whole of the detachment which left Muirton keep together the whole way until it arrived at Haining, and on the way back?—To the best of my knowledge, they did; I do not remember any being left behind any distance.

2286. What did you, or any of the detachment or officers do at Haining?—We did nothing there; we went to Jericho, a place higher up, I think.

2287. Then did you merely march to Haining and Jericho, and back to Muirton?—Yes; I think we went from Jericho back again to Muirton.

2288. Did you return by the same way, that is, the main road, the whole way, never leaving it?—Well, I can't say whether we got into the same road going back; I know very little about the roads, or the places there.

2289. *By Court.*] You say Dr. Morris was with Ensign Cullen's party on the march to Haining, on the 18th October 1865; how was he dressed at

at the time?—He was in uniform, with, I think, a red serge coat.

2290. Do you know a place called Scott's Run?—No, I do not.

2291. Did you go to any other places that day besides Haining and Jericho?—I do not remember any other place.

2292. You have said that you do not know a place called Grange Hill, by that name; explain what you mean?—I never heard the name before now.

2293. Were you with Dr. Morris the whole of the time you were out on the 18th October. Could any men have been shot by him without your seeing?—I was with him all the time, very close to him, and must have seen him if anything of the sort had been done. Private *F. Wolstenholme.* 15 January 1867.

2294. Were the rifles of that detachment loaded on that line of march from Manchioneal to the post-office?—I cannot remember that; I have forgotten; but it was the custom to have them loaded on those marches.

[The Witness withdraws.

Thirty-fourth Witness for Defence.

JAMES ALEXANDER WILSON, Book-keeper at Golden Grove Estate, St. Thomas-in-the-East, being duly sworn, is questioned by the Prisoner.

2295. *By Prisoner.*] WERE you with Mr. Brooks and others from Morant Bay, on Saturday, the 21st October 1865; and state shortly who were with you?—Yes, I was. Mr. Chisholm, Mr. Lowe, Mr. Mais, and several others were with me; those were book-keepers at Golden Grove. Ford's Volunteers were also with us, and Captain Astwood's. *J. A. Wilson.*

2296. Was Mr. Brooks sick on that journey; how was he when you all arrived at Golden Grove, and at what time did you reach Golden Grove?—Yes, he was sick; he was quite sick when we arrived at Golden Grove, and had to go to bed; to go and lie down. We reached Golden Grove at 3.30 p.m.

2297. Were you at Golden Grove on Sunday, the 22nd October 1865; and what was your occupation at Golden Grove on that day?—I was there on Sunday; I was looking after the breakfasts and dinners.

2298. Did you see Mr. Brooks at Golden Grove on that day; when and where was he, and how was he?—Yes. I went into his room to see how he was; he was worse, and I had to order tea and chicken soup for him.

2299. How often did you see Mr. Brooks on that Sunday?—I went into his room three or four times. I went in after 7 and after 9 a.m.; I mean by "after," some 15 minutes or so. I also went again at 1, and at 4 p.m.

2300. Did Mr. Brooks ever leave Golden Grove on that Sunday, and was he able to do so, and where was he during that day?—No, he did not; he was not able to do so, as he was lying down sick the whole day. He was in one of the rooms of the book-keepers' barracks all day.

2301. Look at this book and say whose it is, and in whose handwriting are the entries in pencil?—I picked this book up at Bowden Wharf, Port Morant; the book belonged formerly to Mr. Duffus. The pencil entries on the first blank page are all in Mr. Brook's handwriting. I saw him write them myself; the front part of the page down to the "18th," was written at Bowden; the first part of the reverse of the page down to the printed word "Wednesday," was written at Morant Bay, and the bottom part of that page was written at Golden Grove.

2302. Was there any nurse in attendance on Mr. Brooks, at Golden Grove, and what is her name?—Yes; her name is Fanny Thompson.

2303. What was Mr. Brook's object in making those entries; can you say of your own knowledge?—I cannot say.

2304. When did Mr. Brooks leave Golden Grove?—The following week; he was there from the 21st October, and all that next week, and it was the following week after that he left.

2305. *By Prosecutor.*] At what time, and at what place at Golden Grove, did you see Brooks write that part of the entry which you say was written at Golden Grove?—In the barracks where he was stopping, on the afternoon of the 21st; the Saturday, the day we came up from Morant Bay, about 4 p.m., shortly after we arrived.

2306. When did you pick up the book at Bowden Wharf?—On a Sunday, the 15th October.

2307. You say you picked up the book at Bowden Wharf; how did it come into Brooks' possession?—Brooks, having a pencil, he took the book from me to make his remarks.

2308. How many people were at Golden Grove on that Saturday and Sunday; take a little time, and tell as correctly as you can; volunteers, regular soldiers, overseers, and book-keepers belonging to the estate?—I cannot say, as I did not reckon them; I could not give any idea of their number, but there were a good many.

2309. About how many were in each room in the barracks?—Some rooms had six, and some had four; some lay in the hall; they lay just where they could get anything to lie on; the barracks were all chopped up, and the beds destroyed.

2310. What room did Brooks occupy in the barracks at Golden Grove?—The room Mr. Chisholm now occupies; Mr. Chisholm's room, the overseer.

2311. Was Brooks alone in that room, that is, did he have the entire use of it?—No; there was some more in it too; Mr. McFarlane was in there, and Mr. Lowe; but he was removed afterwards, when he got worse.

2312. Tell the names of all who shared the room with Brooks?—Mr. Ford used to go in there; Mr. Sigismund De Pass, who is now at Bowden Wharf, and Mr. Myers, one of Mr. Ford's men, and Mr. Mais also.

2313. Were there sheets and other linen on the bed, and in the room in which Brooks was?—There was a mattress they got put up there, and a rug, but no sheets.

2314. What was the matter with Brooks, do you know?—He first complained of fever, and afterwards of constipation of the bowels.

2315. Was Brooks undressed, or had he his clothes on when you saw him these several times?—He had on a dark merino shirt and his trousers.

J. A. Wilson.
15 January 1867.

2316. Where and when did Brooks first complain of the fever?—In coming from Morant Bay on the 21st, the Saturday.

2317. *By Court.*] After Mr. Brooks made the entry at Bowden, in the book shown to you, what became of the book?—Mr. Brooks kept it in possession till he returned from Morant Bay, and brought it to Golden Grove, where he left it, when he went away, in the barracks, and it was found there when the barracks were cleaned up and put to rights. The part that was written at Bowden was on the 15th, 16th, and 17th October.

2318. What were you and Brooks doing at Bowden on the 15th, 16th, and 17th October?—On the 14th we came out of the bush, four of us were there together; we were in the bush the 13th and 14th, and came out on Saturday night, and went down to Bowden, Sunday morning, and remained there till the afternoon of the 17th, when we got into the Bay; Brooks was one of the four.

2319. Is that book in the same state now as when you last saw it in Mr. Brooks' possession at Golden Grove, that is the pages referred to by you?—It is in the same state; I see no alteration or addition.

[The Witness withdraws.

Thirty-fifth Witness for Defence.

WILLIAM MOORE JAMES, Justice of the Peace for St. Thomas-in-the-East, and for St. David's, and Captain of a Volunteer Company for St. David's, being duly sworn, is questioned by the Prisoner.

W. M. James, J.P.

2320. *By Prisoner.*] WERE you ever overseer of Duckenfield Estate, and when?—I was overseer of Duckenfield Estate in 1863.

2321. When were you first on Duckenfield Estate, as manager, or otherwise?—In 1853, I was there as book-keeper; in 1856, as deputy manager.

2322. Do you know the grass piece on Duckenfield, near the Iron Bridge, and how often do you believe you have been in there?—I know the grass piece alluded to, perfectly well; I have been there so often I could not say how many times I have been in it; it was my duty when book-keeper to be in there twice a day.

2323. What has that grass piece been used for, and have you ever seen any graves or mounds in it?—For the purpose of cutting grass for the cattle pens. I remember mounds, but not of any extensive height in 1853 and 1854; when I went back in 1863 and 1865, I did not observe them; they were reduced so much that I did not observe them. In fact, it never struck me to look at them at all.

2324. To your own knowledge, state whether any bodies have been buried in that grass piece?—Not to my own knowledge; I never saw any bodies buried there.

[The Witness withdraws.

The Court is cleared for deliberation, and on being re-opened the Prisoner is informed that the Court is of opinion that evidence such as that of the last Witness is irrelevant, and that producing such evidence is a mere waste of time.

Thirty-sixth Witness for Defence.

FRANCIS THOMAS MACFARLANE, Planter, and formerly Overseer at Amity Hall, being duly sworn, is questioned by the Prisoner.

F. T. Macfarlane.

2325. *By Prisoner.*] DID you accompany Mr. Brooks and others from Morant Bay to Golden Grove, on Saturday 21st October 1865?—I did.

2326. How was Mr. Brooks when he arrived at Golden Grove, and where did he go to?—He was sick when he arrived at Golden Grove, complaining on the whole of the march down, and he came in and lay down in the room I occupied.

2327. Where was Mr. Brooks on the Sunday, and did he ever leave Golden Grove that day?—He was in the room that day; I was ill in the room myself all day; and he was occupying the same room and the same bed with me.

2328. Do you know the post office near the Iron Bridge; as also the bamboo draw-rail in the Duckenfield grass piece; have you ever tested the sight from that post office to the bamboo rail; with whom; can you see any person standing near thereto, and state shortly how and in what manner you did so?—I know them both; I tested it with Mr. Harrison; I stood at the rail and he went to the post office; and then he stood at the rail and I went to the post office; and I could see nothing of him.

2329. *By Prosecutor.*] What was the matter with you on that Sunday at Golden Grove?—I had been laid up for over four weeks with fever, and had only been three days at my work when the rebellion broke out; and I had a sore on my back from a blister, and also was suffering from fever at the time.

2330. Did you leave that room at Golden Grove at any time at all during the entire day, that Sunday?—Not except to go to the outside piazza; I did not do any duty that day; and I never left the barracks except to bathe about 6 a.m.; and then I was not absent more than half an hour.

2331. How long did you walk up and down or sit in the outside piazza?—I was back and forwards during the day; I was quite bad with fever after bathing, and remained in the room all that day.

2332. Was there any other person occupying that room the Saturday night or Sunday?—Augustus Parker Davis, who is now off the island, occupied the room all the time with me and Richard Moyle Wilson; Lowe and De Pass were also backwards and forwards; but I cannot say if they slept there that night; De Pass slept there many nights, but I cannot say he slept there that night.

2333. Which was most sick, Brooks or you?—Brooks was by far the worst, on the Sunday; Brooks was under medical attendance; but I never reported myself sick.

[The Witness withdraws.

Thirty-seventh Witness for Defence.

ALFRED GEORGE BERRY, Civil Engineer, residing in Kingston, being duly sworn, is questioned by the Prisoner.

2334. *By Prisoner.*] DO you remember martial law; were you in St. Thomas'-in-the-East during that time, and what position did you occupy then?—I remember marshal law; I was then in St. Thomas'-in-the-East, as a volunteer in Captain Astwood's troop. *A. G. Berry.* 15 January 1867.

2335. Were you at Golden Grove on the 21st October 1865, and did you leave Golden Grove on that day, and where did you go to, and who accompanied you?—I was at Golden Grove on that day; I left Golden Grove and went to the Iron Bridge, to the shop there. Mortimer Brandon, another volunteer, accompanied me.

2336. Is Mr. Mortimer Brandon now in the island?—No.

2337. On your arrival at the post office, did you see Ensign Cullen; were any orders delivered to him, and by whom?—I did not see him on my arrival, but after; he came out of the shop. Mortimer Brandon got the orders; he went into the shop; the centre door; the orders were for the party to go to Golden Grove.

2338. Did you see George Grant Manning at the post office that day; and were you in conversation with him; did he state that three men had been shot there that day?—I saw him that day and was in conversation with him; he did not make that statement to me.

2339. When did you leave the post office that day, and did you do so with Ensign Cullen and his men?—I left with Mr. Cullen; about four or 3.30 p.m.; about then; but I am not sure of the time.

2340. While at the post office did you see three men shot; or did you hear the report of any guns while you were there?—I did not see three men shot, nor hear any guns while I was there.

2341. On Saturday, the 21st October 1865, were you in the grass piece; the grass piece opposite Manning's shop?—Yes; I was there in the grass piece.

2342. While in that grass piece did you observe any dead bodies tied to a bamboo draw rail?—No.

2343. Were you with a detachment under the command of Captain Adcock and Captain Ford, on route past the Iron Bridge on Sunday the 22nd October 1865?—Yes; I was one of the advance guard.

2344. Was there any mistake as to the road near the post office, and what road was it they took in the mistake?—I did not look back, and of my own knowledge, I cannot say; I only know what I was told; I went over the bridge and was 100 yards ahead.

It being now four p.m. the Court adjourns till ten a. m. to-morrow, the 16th instant.

TWENTY-FOURTH DAY, 16th January 1867.

On Wednesday, the 16th January 1867, at 10 a. m., the Court re-assembles pursuant to adjournment: Present, the same Members as yesterday, and proceeds with the Examination in Chief of ALFRED GEORGE BERRY.

2345. *By Prisoner.*] WHERE was Mr. Harrison at the time you went over the bridge?—He was with the body of the men at the back. *A. G. Berry.* 16 January 1867.

2346. What caused you to go into the Duckenfield grass piece on the Saturday, 21st October 1865?—I went to look at some canes; some black insects on them, that caused me to go in.

2347. *By Prosecutor.*] Was it a grass piece or a cane piece you went into?—I went into the grass piece first and looked through at the canes.

2348. Was the grass piece into which you went to look at the cane immediately opposite the post office, or to the Golden Grove side of it?—Opposite the post office.

2349. How did you enter the grass piece, by a gate, or how otherwise?—I went through the logwood fence.

2350. How far into the grass piece did you go?—I can't say how far; I dont think above 20 feet or thereabouts from the fence; I went in and turned to the right, and looked through at the canes.

2351. *By Court.*] Was the order Mr. Brandon took to Ensign Cullen on Saturday, 21st October 1865, written or verbal?—I don't know; I did not ask him.

2352. From your position in the grass piece, did you see any bamboo draw rail in the logwood fence?—No, I did not, where I went; but I saw a bamboo fence.

2353. In what cane piece did you notice the black insects?—The cane piece opposite the post-office, beyond the grass piece. I was riding at the time on the road, when I noticed these insects; and after I had been to the post-office and had dismounted, I went in to look at them.

2354. When first did you hear of men having been shot near the Iron Bridge, or on the march from Manchioneal?—It was in November last, 1866, when I returned from Hayti; that was the first time.

[The Witness withdraws.

Thirty-eighth Witness for Defence.

No. 285. Private MORRIS GORDON, 1st West India Regiment, being duly sworn, is questioned by the Prisoner.

Private M. Gordon.
16 January 1867.

2355. By Prisoner.] WERE you one of the men on the march with Ensign Cullen and Dr. Morris from Manchioneal, halting at the post-office near the Iron Bridge on Saturday, 21st October 1865?—Yes.

2356. When you arrived at the post office, was an advance guard sent on, and who was in charge of that advance guard?—An advance guard was sent on; Corporal Hunter was in charge.

2357. Do you know where to?—Yes, Golden Grove.

2358. Whilst at the post office did you shoot or see shot any prisoners; did you hear the report of any guns?—I did not shoot or see shot any prisoners, nor hear any reports of guns.

2359. Where was Dr. Morris during the time you were at the post office?—He was in Mr. Manning's private quarters.

2360. Were you sent out with Ensign Cullen and Assistant-Surgeon Morris on the 18th October 1865; that is, the first detachment that left Muirtown after we arrived there on the Monday?—I never went anywhere else, but from Muirtown to Golden Grove.

2361. Were you ever out with Ensign Cullen and Staff Assistant Surgeon Morris when they went to Hayning instead of Friendship?—No.

2362. *By Prosecutor.*] Where did you remain all the time you were at the post office; that is, what particular part of the building, yard or road?—I was in the shop the whole time refreshing myself.

2363. Did you see anybody at all of any sort, either military, volunteer, or civilian, respectable person or labourer, walking or riding, come to the post office while you were there?—No; I never see anybody at all.

2364. You say an advanced guard went on; of how many men was it composed?—About six, a section.

2365. Did you see it leave the post office?—I see it when it went away from the post office.

2366. Did all the men and the corporal of this guard leave together?—Yes; they march off together.

2367. What did you do with your rifle while you were in the shop refreshing yourself?—I had it slung across my body.

2368. Was your rifle loaded or not on that day?—No; it was not loaded.

2369. Whom did you see at the post office when you arrived there; state fully all the persons you saw; if you do not know their names, describe them as well as you can?—I saw no one that I recollect but Mr. Manning, the postmaster. I saw nobody else.

[The Witness withdraws.

Thirty-ninth Witness for Defence.

No. 1,485. Private JOHN ROCH, 2/6th Regiment, being duly sworn, is questioned by the Prisoner.

Private J. Roch.

2370. *By Prisoner.*] Do you rememember martial law in Jamaica; if so, where were you, and under whose command?—I remember martial law; I was then at Manchioneal, under Captain Hole's command.

2371. Where did you go to on Monday evening, the 16th October 1865, during martial law; that is on the day we marched up from Boston to Muirtown?—I went to Betty's Hope.

2372. With whom did you go?—With Dr. Morris and 12 men and one non-commissioned officer.

2373. Did Staff Assistant Surgeon Morris on that evening bring down a large number of refugees; if so, do you remember Staff Assistant Surgeon Morris halting that detachment; if so, for what purpose?—I do not know what you mean by refugees; there were, to the best of my recollection, three females and one old gentleman. Dr. Morris halted the detachment for the purpose of looking for the pin and chambers of his revolver.

2374. Did you yourself on that evening dismount; if so, for what purpose?—I dismounted for the purpose of searching for the pin and the chambers of the revolver. The chambers was found, not the pin.

2375. Then who picked up the chambers; did you see that revolver after that date, if so, when and where, and why should you see it in that particular spot; what led you to go to that spot?—Private Harrison picked up the chambers; I saw it after, up at the house at Manchioneal several days after; up to the 22nd; it was on the window. The room was where we get our allowance of grog, and where you could see the time.

2376. Had Ensign Cullen a revolver?—I never see him with one.

2377. Did you see Staff Assistant Surgeon Morris leave and return on the 18th October 1865; if so, how was he armed, to the best of your recollection?—I did see him; he had his sword on when he started and when he came back; nothing else; no revolver.

[The Witness withdraws.

Fortieth Witness for Defence.

No. 932. Private JOSEPH BEDFORD, 2/6th Regiment, being duly sworn, is questioned by the Prisoner.

Private J. Bedford.

2378. *By Prisoner.*] WHERE were you during martial law in Jamaica, October 1865; under whose command were you?—I was at Morant Bay, Port Antonio, and Golden Grove, under Captain Adcock's command.

2379. On Sunday, 22nd October 1865, did you leave Golden Grove with a detachment under command of Captain Adcock, and march over the Iron Bridge near the post office?—Yes.

2380. On that morning did you stop at the post office, and did you speak to any one there?—Yes; stopped for a few minutes there; I changed

changed a saddle; I spoke to the man standing against the post office; I don't know who he was.

2381. After you changed your saddle, did you go over the Iron Bridge, or did you go straight on down the Holland Bay-road?—I went straight on down the Holland Bay-road.

2382. How far down that road did you go?—Between 200 and 300 yards from the post office.

2383. Did you see any dead bodies tied to a bamboo rail fence, or any where else, as far down as you went?—No.

2384. Did you go alone, if not, who accompanied you; give their names?—I did not go alone; James Cox and William Barnes went with me; they were private soldiers of the 2/6th Regiment.

2385. Where is William Barnes; is he dead, and when did he die?—He is dead; but I cannot tell the date; but it is since he gave evidence on Ensign Cullen's court martial.

2386. How far on had the main body advanced when you returned and overtook them?—They had very nearly reached the first village, I do not know its name, when we got nigh up to them; they were setting fire to a house.

2387. *By Prosecutor.*] Did you see any bamboo rail fence on the road on which you rode that day from the post office?—I did not notice; I have only been there once; never been there since, so I could not say.

2388. How do you know it was the Holland Bay-road you went on that morning; did you know that at the time, or have you learnt it since?—I asked the man at the post-office that morning the name of the two ways.

Private *J. Bedford.*

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2389. How did you arrive at the post office; with the main body or before, or after it?—With them.

2390. Did you change the saddle before or after the main body left?—Before the main body left.

2391. How is it, then, that you did not go on with the main body, but went on a wrong road?—We rode on that road before the main body; me and the other two men; we went on first before anybody else.

2392. Who sent you on, and what particular order did you receive?—No one sent us, and we received no orders.

2393. Then why did you go on?—We had a race down the road for our own amusement, and thought to be back before the party had started.

2394. And are you rightly understood to say that the race was before any of the party at all left the post office to go in any direction?—Yes, we started before the party offered to start.

2395. And are you rightly understood to say that on your return the rest of the party were all onwards, near the first village?—Yes.

2396. On your return to the post office from that race, did you overtake or pass any one on that road?—No.

[The Witness withdraws.

Forty-first Witness for Defence.

No. 551. Private JOHN ALLEN, 2/6th Regiment, being duly sworn, is questioned by the Prisoner.

2397. *By Prisoner.*] Do you remember martial law in Jamaica; if so, where were you, and under whose command?—I remember it; I was then at Muirton House, under Captain Hole's command.

2398. Do you remember the 18th October 1865; if so, where did you go on that day, and with whom?—Yes, I remember that day; we went with a party, under Colour Sergeant Webster, to a place called Grange Hill.

2399. When you were at Grange Hill, did you hear of the black detachment that had marched out that morning having been there?—I saw a black detachment go out that morning, but I did not see it afterwards till they returned, nor did I hear of it at Grange Hill.

2400. Did you see any dead body or bodies there?—I saw no dead body at Grange Hill.

Private *J. Allen.*

2401. Do you remember seeing Staff Assistant Surgeon Morris' revolver anywhere; if so, when, and where, and what would lead you to that particular spot?—I saw it on the 17th, up to the 22nd October; I saw it in the parlour where we were served with our grog, on the window bottom; no one else but Dr. Morris in the detachment had a revolver.

2402. Did you hear that any person had been shot at Grange Hill that day?—I did not.

2403. *By Court.*] Was the grog served out to the men in the room which the officers of the detachment occupied?—Yes.

[The Witness withdraws.

Fifteenth Witness for Defence recalled.

No. 22. Private JAMES COX, 2/6th Regiment, being recalled, and re-sworn, is questioned by the Prisoner.

2404. *By Prisoner.*] WERE you at Golden Grove with Captain Adcock during martial law?—I was.

2405. On Sunday, the 22nd October 1865, did you leave Golden Grove with a detachment of troops and volunteers, under Captain Adcock, and march to Amity Hall, over the Iron Bridge?—I left Golden Grove with a detachment of two more men of my own regiment besides me, and some volunteers; but I did not at that time go over the Iron Bridge; I went straight along the road.

Private *J. Cox.*

2406. Did you stop at the post office before you went on straight along the road?—Yes.

2407. What was the cause of your stopping at the post office; and did you speak to any one there, and do you know the person's name?—The cause was that Private Bedford, who was with me, had his saddle broken; some portion of it somewhere was broken, and he stopped to change it; I only

Private *J. Cox.*
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I only spoke to the men of my own party, who were with me at the time.

2408. At what time of the day was this, as far as you can remember?—I could not say the hour, but it was early in the morning.

2409. How recently have you been on that road, the Holland Bay-road?—I went down there at the latter part of the old year; this December last.

2410. How far down on that road did you go on the Sunday morning, and did any one accompany you, say who, and are they here?—I went down between 200 and 300 yards; Private Bedford and Private Barnes were with me that Sunday morning, and Barnes is now dead.

2411. Did you see any dead bodies on that road on the Sunday morning, or tied to a bamboo draw rail fence near the road?—I did not.

2412. When you returned, was your detachment still at the post-office, or had they moved on, and where did you overtake them?—They had moved on; I overtook them at the next village.

2413. Did you see any person or persons with hoes and other digging implements on that road that Sunday morning?—No.

2414. On your last visit to the Holland Bay-road, did you in company with any one examine a bamboo draw rail fence in a grass piece opposite the post-office?—I was by myself. I saw the bamboo fence.

2415. *By Prosecutor.*] Had you ever been from Golden Grove to Amity Hall Estate, or anywhere upon the road which you call the Holland Bay-road, before the Sunday the 22nd of October?—No.

2416. Were you with the two men of your own regiment the first to arrive at the post-office, after leaving Golden Grove that Sunday morning?—No; we arrived there with the volunteers; we were next the mounted volunteers; they were first, and we next them.

2417. Did the whole column then arrive at the post-office together?—I believe so; with the exception of some men who went as an advance guard; they might have been there some few minutes before us.

2418. How long after you arrived at the post-office was it that you left with Bedford and Barnes to go on the road you call the Holland Bay-road?—We stopped at the post-office about some five minutes.

2419. Were you then the first to leave the post office?—Yes.

2420. Did you ride slowly, or how, down the road?—I rode as fast as the horse could go.

2421. Did you pass any one going down, or did you overtake or pass anyone returning on your ride on that road?—I saw no one, neither going nor coming, beside the two men who were with me.

2422. Where was the rest of the party which left Golden Grove when you returned to the post-office?—They had gone on.

2423. Had they all gone on; did you see no one at the post-office when you came back to it?—There was none of the body who went with me at the post-office, as I saw; I mean none of the volunteers.

2424. Did you see the advance guard at the post-office, when you arrived there from Golden Grove that morning?—I saw some men there; but I do not know if they were the advance guard, as I did not know the gentlemen in front, by person.

2425. Did you see any bamboo draw rail fence on your ride down the road on the Sunday morning?—I did.

2426. What induced you to go down that road?—A race, we took there.

2427. Whereabouts is that bamboo fence?—It is about 50 paces from the post-office, as near as I can state.

2428. You have spoken of this road as the Holland Bay-road; did you know it to be the Holland Bay-road at that time?—Not on the 22nd October I did not.

2429. When first then did you know it as such?—When I was down there in last December.

2430. Are you the same man who gave evidence under the name of James Cox at the court martial for the trial of Ensign Cullen?—I am.

[The Witness withdraws.

Forty-second Witness for Defence.

No. 730. Private GEORGE CHRISTOPHER BLYTHE, 1st West India Regiment, being duly sworn, is questioned by the Prisoner.

Private *G. C. Blythe.*

2431. *By Prisoner.*] WERE you one of the men on the march with Ensign Cullen, Dr. Morris, and others, from Manchioneal, past the Iron Bridge, halting at the post-office, then on to Golden Grove, on the 21st October 1865?—Yes.

2432. Can you say what time of the day you arrived at the post-office?—I had no time-piece; but, judging for the time, I think it was about 9 a.m.

2433. Was an advance guard sent on to Golden Grove on that day from the post-office, and if so, who was in command, to the best of your knowledge?—There was an advance guard; Corporal Hunter was in command.

2434. While at the post-office, did you hear any shouting "prisoner," prisoner get away?—No.

2435. Whilst at the post-office, did you see any prisoners brought in, and did you shoot, or see shot, any persons on that day near the post-office?—I saw no prisoners brought in, nor did I shoot, or see shot, any persons that day.

2436. Did you hear the report of any guns on that day at the post-office?—No.

2437. Where was Dr. Morris during the time you were at the post-office?—He was in Mr. Manning's room.

2438. Did you go out with the first detachment that left Muirton under command of Ensign Cullen, Staff Assistant Surgeon Henry Morris being in medical charge?—Yes.

2439. Were you ever at a place named Grange Hill; if so, when?—No.

2440. *By Prosecutor.*] What particular part of the post-office premises did you remain at, while the detachment was there?—Not at one place I was everywhere about there.

2441. From the time you arrived at the post-office until you left that Saturday, did you see anybody at all come to the post-office; this means military,

military, volunteers, labourers; man or woman?—I did not take notice of any one come; there might have been some, but I did not notice them.

2442. Whom did you see at the post-office when you arrived there; if you do not know names, describe the persons?—I saw Mr. Manning and a brown man there; nobody else.

2443. Was your rifle loaded, or not, on that day?—No.

2444. Did you leave the premises? that is, the post-office, at all that day, from the time you went there till you left to go to Golden Grove?—I did not leave it, but was walking about; that was all.

2445. How soon after you arrived at the post-office was the advance guard sent off, and of what did it consist?—They did not stop at all; they went on. Me can't rightly say how many men there were. I did not count them; there were more than seven; but I can't say whether more than eight.

2446. Explain what you mean, when you say they did not stop at all, they went on?—They did not stop at the post-office; they went on.

2447. Did they march directly on as they came over the bridge on to Golden Grove?—Yes.

2448. Did that same advance guard then come on with you from Manchioneal that morning?—Yes.

2449. Was it with the main body, or was it an advance guard all the way from Manchioneal?—There was a rear guard and an advance guard. It was an advance guard all the way from Manchioneal.

2450. And are you rightly understood to mean that that advance guard went straight on to Golden Grove without halting at the post-office?—Yes.

Private *G. C. Blythe.*

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2451. Did you ever hear the name of Grange Hill called; if so, tell when and where, and in what respect?—Not to my remembrance.

2452. To what place did you go when, as you say, you went out from Muirton with Ensign Cullen and Doctor Morris, the first time you went out after arriving at Muirton?—We went to a place, "Hayton," or something like that, when we miss the road.

2453. What road did you take to go to that place?—I can't give the description, because I not live there. I could show you the road, but I don't recollect much about it; some part is hill and some part level.

2454. Did you ever see a man shot during martial law?—No.

2455. When did you go to St. Thomas-in-the-East, and when did you leave it; that is, during how much of the martial law were you in the disturbed district?—It was last year; but I cannot remember the time or the month. I was out with the detachment all the time; but I was only a recruit then; it was in October, but I cannot say the date.

2456. *By Prisoner.*] How long have you been in the service?—About a year and six months now.

2457. Do you remember Staff Assistant Surgeon Morris speaking to you on the line of march from Muirton to Hayton; if so, what did he say to you, and how was he armed?—Yes; I recollect his speaking to me. He said he would recommend me for lance corporal; that is all. I can't remember now how he was armed.

[The Witness withdraws.

Forty-third Witness for Defence.

No. 740. Private GEORGE LESLIE, 1st West India Regiment, being duly sworn, is questioned by the Prisoner.

Private *G. Leslie.*

2458. *By Prisoner.*] WERE you with Ensign Cullen, Staff Assistant Surgeon Morris, and others, on the march from Manchioneal, passing over the Iron Bridge, and halting at the post-office on Saturday, the 21st October 1865?—Yes.

2459. While at the post-office, did you hear any shouting of "Prisoner, prisoner, get away," or any words to that effect?—No.

2460. Did you shoot, or see shot any prisoners on that day while you were at the post-office?—No.

2461. Where was Dr. Morris during the time you were at the post-office?—He was sick, lying down, into a little room; he took sick on the road going.

2462. Was an advance guard sent on to Golden Grove on that day; who was in command, and when did it leave the post-office?—I don't remember now.

2463. What were you doing all the time you were at the post-office, or about the premises?—All that I did was to go to the river and bathe a few minutes, and then come back again.

2464. Do you know Corporal Hunter, of the 1st West India Regiment?—Yes.

2465. Was he with that detachment on the 21st of October 1865?—Yes, he was; he was sent to show the road to convey the troops to Golden Grove.

2466. When did you go to bathe; state as near as you can the hour?—About 10.30 a.m.

2467. Did you see Corporal Hunter at or about the post-office immediately before you went to bathe?—Corporal Hunter was there; he halted his men under a tree. I saw him away where he halted.

2468. *By Prosecutor.*] Did you see Corporal Hunter at or about the post-office when you returned from bathing?—Yes, he was there.

2469. At what hour of the day, as near as you can judge, did the detachment leave the post-office?—It leave at 3 p.m.

2470. Did Corporal Hunter leave with the detachment at that time, and to what place did you all go?—He was sent on in front; we went to Golden Grove.

2471. When you say Corporal Hunter was sent on in front, explain what you mean; how far in front?—Corporal Hunter fall in his men, and got the order to march; then we fall in, and he was far away in front; this was from the post-office.

2472. How long after Corporal Hunter did the rest follow?—There was no time; as he marched off, we were falling in to march to Golden Grove.

2473. Was your rifle loaded or not, on that day?—Not loaded at all that day. Captain Hole gave me an order to discharge it at Manchioneal,

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for it had an old load into it. This was the evening before I went on that march.

2474. What was done with the rifles of the detachment while they remained at the post-office on that day; I mean, where were they put?—I can't recollect now; mine was lean up against the house.

2475. During all the time you were at the post-office, did you see anybody at all come there; this applies to military men, volunteers, labourers, men and women?—No, I saw no one that I can remember now, but the man carrying the post, the postman.

2476. Whom did you see at the post-office when you arrived there; tell all; and if you do not know names, describe the persons?—I met the man who was stopping there; I do not know his name; no person else.

[The Witness withdraws.

The Prisoner here intimates that he has no further witnesses in attendance to-day, and therefore respectfully craves the kind consideration of the Court, and trusts that they will excuse this failure on his part, which has been caused by the rapidity with which yesterday and to-day the witnesses have been disposed of.

The Court accordingly, at 3.10 p.m., adjourns till 10 a.m. to-morrow, the 17th instant.

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17 January 1867.

TWENTY-FIFTH DAY, 17th January 1867.

ON Thursday, the 17th January 1867, at 10 a.m., the Court re-assembles pursuant to adjournment; present, the same members as yesterday.

The Prisoner, Staff Assistant Surgeon MORRIS, not being present, his absence is accounted for by

Medical Witness to Prisoner's absence.]—Staff Surgeon Dunlop, who being duly sworn, informs the Court that Staff Assistant Surgeon Morris is labouring under a bilious attack at this moment of such a nature as prevents his attending before the Court; and in his opinion he will not be able to attend before the day after to-morrow, the 19th instant. Under these circumstances, the Court adjourns till 10 a.m., Saturday next, 19th instant.

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19 January 1867.

TWENTY-SIXTH DAY, 19th January 1867.

ON Saturday, the 19th January 1867, at 10 a.m., the Court re-assembles pursuant to adjournment; present, the whole of the members.

Medical Witness to Prisoners absence.]—The prisoner, Staff Assistant Surgeon Morris, being again absent, Staff Surgeon John Dunlop is called into Court, and, on his former oath, states that Staff Assistant Surgeon Morris is still sick, suffering now from fever and unable to appear before the Court; and that having just seen him, he does not believe he will be able to attend before Tuesday next, the 22nd instant.

The Court therefore adjourns till that date, viz., 10 a.m., the 22nd instant.

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22 January 1867.

TWENTY-SEVENTH DAY, 22nd January 1867.

ON Tuesday, the 22nd January 1867, at 10 a.m., the Court re-assembles pursuant to adjournment; present, the whole of the members.

Medical Witness to absence.]—The prisoner, Staff Assistant Surgeon Morris, being still absent; Staff Assistant Surgeon James Doran, being duly sworn, informs the Court that he has been with Staff Surgeon Dunlop in medical attendance on the prisoner, who is still suffering from low fever and confined to his bed. That he has seen Assistant Surgeon Morris this morning, and that he does not believe he will be able to appear before the Court till the 25th instant.

The medical witness having withdrawn, the Court is closed for deliberation, and on being re-opened it is announced that it stands adjourned till 10 a.m., 25th instant.

TWENTY-EIGHTH DAY, 25th January 1867.

ON Friday, the 25th of January 1867, at 10 a.m., the Court re-assembles pursuant to adjournment; present, the whole of the members and the Prisoner.

Forty-fourth Witness for Defence.

No. 9. Colour Sergeant JASPER WEBSTER, 2/6th Regiment, being duly sworn, is questioned by the Prisoner.

Colour Sergeant *J. Webster.* 25 January 1867.

2477. *By Prisoner.*] WERE you stationed at Muirton on the 18th October 1865?—I was.

2478. Where did you go to on October 16th, 1865, and for what purpose; who accompanied you, and what occurred on the march back?—I went with Dr. Morris, and a party of 12 men to Betty's Hope for the purpose of bringing to Muirton refugee ladies; I recollect on the march back Dr. Morris called a halt, about a quarter of a mile from the house we had been to; he called to me that he had lost the pin of his revolver, and asked me to assist him to find it; we searched about, but did not find the pin; but Private Harrison, of my company, picked up the chambers.

2479. Had Dr. Morris any revolver on the 18th October, a Wednesday, when he left with Ensign Cullen. How was he dressed, how did he wear his sword belt; and did you go out on that day, if so to what place, and at what hour did you leave Muirton, and when did you return?—I saw Dr. Morris on that morning, I was close to him and he spoke to me; he had no revolver; he was dressed in one of those loose serge tunics; his sword belt was outside his tunic; I recollect going out with a party of six men on the 18th to a place called Grange Hill; but I did not then know the name of the place; I think it was between 10 and 11 a.m., when we went out, and we returned between three and four p.m.

2480. Do you remember seeing near the old road or track at Grange Hill, some old broken-down buildings and the old busha's house?—Yes, we halted there.

2481. Near this old road or track and old buildings did you see two trees in particular; do you know their names, and what circumstances took place connected with those two trees that caused you to know the names of them?—I recollect two trees in particular there; they were bread fruit trees; two of the men with me wanted to take some of the fruit home, saying they knew them, and that they would make a good dish.

2482. Were these two trees near each other; did you go near to them, and did you see a dead body or any dead bodies there or near to the trees on that day?—They were about 10 or 12 paces from one another, I should think; I went near the trees, and I saw no dead body there.

2483. What was your rank whilst at Muirton, who was senior sergeant there?—I was then colour sergeant and the senior sergeant there.

2484. *By Prosecutor.*] Did you speak to any one at Grange Hill?—No; only to my own men.

2485. Did the party go armed; that is, the six men with you, who went to Grange Hill?—Yes.

2486. Did you go into any house while out that day?—No.

2487. You have said you spoke to no one except your own men; did you see any one at this place?—No.

[The Witness withdraws.

Forty-fifth Witness for Defence.

THOMAS MANNERS, Coroner and Justice of the Peace, Member of the Royal College of Surgeons of Edinburgh, practising in St. Dorothy's, being duly sworn, is questioned by the Prisoner.

T. Manners, Coroner.

2488. *By Prisoner.*] How long have you been practising as a medical man; what offices have you filled?—I have been practising as a medical man since 1847; I was assistant surgeon for 10 years in Her Majesty's service; I have already mentioned that I am now a coroner and justice of the peace.

2489. Have you had any experience in respect of military surgery relating to fractures of the human frame, gunshot or other wounds?—I have seen a good many gunshot wounds involving fractures both in my military and my private practice.

2490. Have you had any experience with regard to the exhumation of dead bodies buried without coffins?—I have.

2491. When first did you see the bones in the engine house; did you then make notes; in whose presence, and was it with the aid of others?—On the 12th November last was the first day; I also saw them on the 19th, 20th, and 21st of the same month; I made notes at the different times: Dr. Allen, I think, was present the first day, and Dr. Bowerbank was also there a short time too; I made the notes myself without the aid of others.

2492. State fully, and as accurately as you can by your notes, or otherwise the number of bones in excess or otherwise for the three bodies, their fractures, general condition, appearances, and smell?—There are three bones in excess; there are a considerable number of bones deficient in the three skeletons; at a rough guess, I should say about 144, the greater portions being those of the hands and feet; one of the vertebræ is fractured, and two of the skulls, and two pelves; the bones are perfectly devoid of smell and perfectly dry.

2493. Have you seen bones exhumed having been buried about 12 months without coffins; state, as accurately as you can, any cases similar to this, not omitting the character of soil and depth of soil; what has been your experience about soils in this colony in reference particularly

T. Manners, Coroner, 25 January 1867.

larly to decomposition?—I exhumed myself, on the 9th November, last year, a body which had been buried at the depth of four feet without a coffin; the burial took place on June 25th, 1865; I, also, last week exhumed the leg of a man which had been amputated by me; this had been buried 10 months and 11 days, at a depth of 12 inches by measurement. The first case I have given was buried in a heavy rich soil, on a cane piece; the leg had been buried in a dry sandy soil. In the first case, that of the body in the cane piece, I found the bones blackened and heavy, and with a very offensive smell; the ligaments were attached to the vertebræ, and I made a section of the thigh bone, and found the marrow still in it, and with a very bad smell. In the case of the leg, the lower part of the leg, the tibia, and foot, I found the ligaments and part of the muscles adherent; the bones were heavy and dark coloured; the smell was very strong.

2494. Do you think that vertebra was fractured by a bullet; if not, state your reasons; have you noticed any recent fracture about that pelvis, if so, where?—I certainly do not think the vertebra I spoke of was fractured by a bullet; if it had been broken by a bullet the fracture would have been greater than it is; the odontoid process would not have been as it now is; and had it been done by a bullet, the fracture must have taken place from behind and not in front; there is a recent fracture in one of the pelves, on the os inominatum, on the right side.

2495. Do you think, judging from the state in which you first saw these bones, that they could have been in the ground (without coffin) only for 11 months; state your reasons fully; can you account for the absence of clothing?—I certainly think they had been buried for a longer period; this opinion is grounded on the fact that the bones were in such a dry state, from their being so devoid of smell, and so different from those I have exhumed myself. I account for the absence of clothing from their having been so long buried that it had disappeared.

2496. Do you think that the bones produced as the bodies in question present appearances of being all buried on the same day in the same grave?—In my opinion one of the skeletons has been buried longer than the other two.

2497. If the bodies had been buried for only 11 months and clothed at burial, must there have been a large quantity of clothing when exhumed?—I should say there would have been a good deal; but, of course, that depends on the quantity they had on.

2498. Would the interment of three bodies together in the same grave hasten or retard decomposition?—Retard it.

2499. Could the injuries you saw on the skulls have been produced by other means than a conical ball; state your reasons for the opinion you have formed?—They might; one of the skulls has a fracture right on the top of the head, and I do not believe that a person firing at another could put a bullet in that way. From the extent of the injuries, also, I do not think they could have been inflicted by a conical ball.

2500. Are those injuries to the two skulls such as might have been produced after death; state your reasons for the opinion you have formed?—In my opinion they might have been produced after death; my opinion is formed from the fact that the wound on the top of the skull could only have been inflicted from above downwards; and, also, because the appearances exhibited correspond with those described by recent writers on gunshot wounds as inflicted after death.

2501. Did you ever see any bones of a man at camp supposed to have been those of a convict of the name of Jones; what became of the skull, what inside was found, and where is it now?—I saw the bones of a man said to be those of a convict, and I saw the Penitentiary mark on his clothes. I took the skull, and it is locked up; brain was found inside. I do not know of my own knowledge where it is, but if allowed to leave I could get it.

2502. *By Prosecutor.*] Can you give the Court an idea of the size of the bones which you say are deficient; are there any bones now in the engine-room corresponding with the last ones?—Some of them are about an inch to an inch and a half in length; there are bones of the hand and feet in the engine-room similar to those deficient.

[The Witness withdraws.

Forty-sixth Witness for Defence.

IZETT WILLIAM ANDERSON, Doctor of Medicine of the University of Edinburgh, practising in Kingston, being duly sworn, is questioned by the Prisoner.

I. W. Anderson, M.D.

2503. *By Prisoner.*] How long have you been in practice in the West Indies; have you held any and what appointments under Government?—I have been in practice in the West Indies about seven years; I have been one of the resident surgeons of the Colonial and Seamen's Hospital of Demerara, and I have been acting surgeon to the General Penitentiary in this city for more than a year, the acting surgeon for the police in this city, and for 18 months I was the surgeon of the Kingston Hospital.

2504. How often have you examined the bones in the engine-room; and did you, on any occasion, when examining them, take notes of their condition, number, &c.; if so, can you produce them to the Court?—I have examined the bones on several occasions, how many I cannot state. On the 31st October; the 3rd of November, I took notes which I can produce.

2505. Did any one for the prosecution at any time, when you were taking notes, derive assistance from you in order to make or complete certain notes that he was then preparing?

The prosecutor objects to this question for the following reasons:

The witness may be asked to state facts relating to the subject matter under inquiry, but not questions which are calculated to impeach the professional knowledge of any other witness.

The prisoner replies that the object of the question is to show to the Court, that the number of missing bones did not come under the direct observation of Dr. Kerr, a witness for the prosecution; but after Dr. Anderson had observed it.

The prosecutor declining to make any rejoinder,

rejoinder, the Court is cleared for deliberation, and decides that by the prisoner's own showing, as given in his reply, the question is an irrelevant one, and therefore inadmissible.

2506. Assuming that it has been proved on the part of the prosecution that the grave at Duckenfield was completely emptied of all its bones, contents, &c., how do you account for the fact that more than 140 bones are wanting to complete these skeletons?—I can only imagine that they have decayed.

2507. Can you give the Court an idea of the size of any of the missing bones; in short, are the majority of the missing bones of such minute size as to render it likely that they would escape observation, if the exhumation of the skeletons was properly conducted?—Some of the missing bones are an inch and three-quarters, to two inches in length. The majority of the missing bones are not of such a size as should escape observation, had the exhumation been properly conducted.

2508. If the bodies had been buried for 11 months and a few days only, would these missing bones have decayed?—Some of the very small ones might; but the majority would not.

2509. Have you had under your care any patients wounded by conical bullets?—I have.

2510. Can you give an example from your own experience, of the effect of an Enfield bullet striking the head?—Yes, I can; a patient came under my care in the Kingston Hospital about three months after the termination of martial law; she was wounded, and I extracted from her face an Enfield bullet which I now hold in my hand.

2511. Do you believe that if a portion of skin was exhumed from a grave, it would shrink up and disappear in a few minutes?—It is quite impossible; if the skin was of sufficient strength, as to allow of its being removed from the grave.

2512. Do you believe that the bones produced for the three bodies could have been in the ground for only 11 months and a few days?—Certainly not.

2513. Do any of the bones for the three bodies present in your opinion appearances of being longer buried than others?—I think so.

2514. Have you seen the fractures in each of the three skulls now in the engine-house?—I have only seen fractures in two of the skulls.

2515. Supposing, for the sake of argument, that the injuries in the two skulls in the engine-room were produced by Enfield bullets, which appears most likely, simply from inspection of them, that they were wounded at 11 paces or 800 yards?—Eight hundred yards, I should say.

2516. Is it your opinion that an Enfield bullet fired at a distance of 11 paces could produce a transverse fracture of the centre of the lower jaw, cause the same kind of fracture in the first bone of the neck, then pass downwards and fracture one of the shoulder blades of the same body; can you give reasons for the opinion you express?—I think it is impossible; my reason is that the ball after breaking the jaw and the first vertebra of the neck would have to pass at a direct right angle to its course, in order to break the scapula; and I do not think that an Enfield bullet fired at the distance of 11 paces could change its course in this extraordinary manner.

2517. Can you state positively that any of the injuries of any of the bones were produced by an Enfield bullet; could they have been caused by a spherical bullet, or could the injuries have been produced by any other means?—I cannot positively state that any of them were caused by an Enfield bullet; I think they could have been caused by spherical bullets, or by other means.

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2518. Do you believe that the portions of bone marked 2 and 3 are in excess, and do not belong to any of the three skeletons?—I think probably they are in excess.

2519. At any of your examinations of the bones, did you observe any of the anterior superior spinous processes absent?—I did notice that one was absent at my last examination, but I did not notice them at the first two.

2520. Do your notes taken contain any reference to fragments of bones then in the engine-room?—Yes, they do, in notes taken on 3rd November, and in notes taken on 31st October.

2521. Could some of the injuries which you have seen in the bones have been made after death?—Yes, they all might.

2522. When you first examined the bones, and saw them laid out on the tables as for each body, was the skull attached to the bones of the body on the south table at all injured or smashed; was that body the one of the tallest and largest man of the three?—No, the skull on the south table was perfectly uninjured; that was the body of the longest of the three.

2523. Did you observe any clothing attached to any of the bones, and if so, what quantity?—About a square inch of decayed cloth was attached to one rib; that was all the clothing.

2524. Did you go to the Duckenfield grass piece, to the spot where the three bodies are alleged to have been buried; did you take some of the earth; what sort of soil was it?—I did go there; I took some of the soil, and it appeared to be a brick mould.

2525. What do you know about the exhumation of a man of the name of Jones at Up Park Camp; did you see the soil there; what sort of soil was it?—I saw some of his bones exhumed, and I saw the soil; and it also appeared to be a brick mould.

2526. What appearances were there about this grave, and body of Jones; in what state was it?—There were no particular appearances that I recollect about the grave; the body had been evidently buried in a doubled-up position; one part of it at a depth of from 18 to 20 inches, and another part between two and three feet; there were masses of soft animal matter which smelt very offensively; many of the bones were attached to one another by the ligaments; there were large pieces of fascia, and large pieces of periosteum; the cartilage could also be observed on some of the bones; there were large pieces of clothing, many of them more than a foot square; and the red paint on them was very distinct, and there was also a large quantity of hair.

2527. Look at No. 4 ilium; is there apparently a recent fracture on it; when did you first observe it, and was it so on your first examination of the bones?—There is a recent fracture on it; it was not there when I first examined the bone; I first noticed it a few days after Dr. Scott stated in evidence that he had fitted the fragment of bone to this ilium.

2528. Without that fracture could No. 1 bone fit?—I cannot say, not knowing the sized piece of bone that was broken off.

2529. Can you tell the date of the exhumation of Jones in the year 1866 at Up Park Camp,

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when you saw the bones?—I am not quite sure, but I think it was in November.

2530. To what examination of Dr. Scott did you just now allude; his examination in Ensign Cullen's case, or Dr. Morris's case?—I read the evidence in the newspaper, but I am not quite certain whether it was on this trial or the last.

2531. *By Prosecutor.*] Are there in the engine-room any bones corresponding with those which you say are missing?—Yes.

2532. Do you know of any country in which, or of any conditions under which, the dead body of a human being would become completely decomposed within twelve months?—I do not know of any.

2533. The last question you are requested to understand does not mean to include decomposition of the bones?—No; I understood by decomposition, that the entire disappearance of the soft parts of the body only was meant.

2534. Are the opinions of medical men, so far as you know, quite in harmony on the subject of decomposition?—No; opinions differ very much.

2535. Is that which you call a new fracture the part of the ilium to which No. 1 bone was fitted by Dr. Scott, or is the fitting of the two pieces independent of that new fracture?—The fitting of the two pieces is independent of the new fracture; the part newly fractured is a continuation of the line where these two join.

[The Witness withdraws.

Forty-seventh Witness for Defence.

The Honourable LOUIS QUIER BOWERBANK, Custos of Kingston, Fellow of the Royal College of Physicians of Edinburgh, and practising in Kingston, being duly sworn, is questioned by the Prisoner.

The Hon. *L. Q. Bowerbank.*

2536. *By Prisoner.*] At what colleges have you studied; how long have you been practising in your profession; what medical appointments have you held?—I have studied in the London University and in the University of Edinburgh; I have been upwards of 30 years in practice in Jamaica; I have held police appointments, and directly and indirectly prison appointments; I have also been Acting Surgeon on different occasions to the Penitentiary, and also acted as Physician to the public hospital in this city.

2537. Have you had considerable experience in fractures of bones, gunshot and otherwise, and of bones exhumed (not buried in coffins)?—I have had very active practice in Jamaica for the last 30 years, and during that time have of course seen many fractured bones; I have also seen several gunshot wounds, but cannot mention their number; I have not seen exhumed beyond three or four bodies which had not been buried in coffins previous to this inquiry.

2538. Have you recently made experiments in gunshot wounds and other wounds on bones?—I have; several experiments since the commencement of this inquiry.

2539. Have you since the commencement of this inquiry seen a body either at or very shortly after the time of exhumation near Up Park Camp?—I saw the body of Jones, the convict, which had been exhumed; I think it was the same day it was exhumed on which I saw it.

2540. Have you had your attention called to the evidence given in this Court about the remains and grave of Mr. Hire; yes or no?—My attention was called to the evidence of a witness on that point.

2541. Have you had experience in different soils in this Colony?—I know something, not much, about the different soils.

2542. When first did you see the bones in the engine-house, and in whose presence?—I saw the bones first on the 31st October 1866; if I recollect rightly I first saw them in the presence of Dr. Anderson and a serjeant, and about an hour afterwards Dr. Kerr came in; Dr. Campbell and Dr. Steventon were also present.

2543. Have you any knowledge of the custom of the lower orders in burying dead bodies, two or more together in the same grave, with and without coffins?—During the prevalence of epidemics it is a common practice to bury bodies, two, three, or more in one grave or pit; I think I have seen upwards of 90 in one pit during cholera.

2544. Were the bones in the engine-house laid out then as they were laid out when you last saw them; when last did you see them?—I last saw them two or three days ago; they were then laid out in a perfectly different way to what they had ever been laid out before.

2545. Can you describe shortly what is the difference in the alterations as formerly and as now laid out?—Formerly they were laid out on three tables, and numbered 1, 2, and 3; subsequently the relative position of the tables was altered, and the last time I saw the bones many of the most important ones had changed places altogether; I have not examined the skeletons as they stand at present, but I trust to my notes taken previously.

2546. Did you take any notes of what you saw of the bones as laid out in the engine-room in three sets, at first; tell as accurately as you can the number, state, and condition of those bones at that time?—I did; out of the three skeletons, there were about 145 bones missing, and there were some bones supposed to be in excess, at first; the bones for the most part were perfectly scentless, there was no unpleasant smell about them, some of them appeared to have been buried for a longer period than the others; some of the long bones, as the fibulæ were dry, light, friable, and disintegrated, large portions of the animal portions of the bone seemed to have disappeared, several of the ribs and all the breast bones appeared to me to have been buried a long time, other portions of the skeletons presented a much fresher appearance, and the fractured portions of them were sharp, clean, and well defined.

2547. Can you state anything as to any hair, or clothing, or brains, being present when you first saw those bones in the three sets; did you make search in the boxes in the room?—When I saw these remains, there were a very few woolly flocks of hair attached to them, very little hair indeed; there was a very small portion of clothing attached to a rib, which appeared in very good preservation. I do not think this piece of clothing was more than a square inch or so; brains there were none, not the slightest appearance of brain. I examined the interior of the boxes carefully, as also the straw in which the remains had been packed; these were quite unsoiled,

soiled, and presented no appearance of any remains of soft portions of the body.

2548. From their appearances and your experience, can you state whether those bones were, in all probability, buried only for 11 months and about four or five days, or do you think they must have been longer in the ground, as well as some longer than others?—From my experience I believe those bones, that is, all of them, had been buried much longer than 12 months, and some of them longer than others.

2549. How do you account for the absence of so many bones (about 140) from these three bodies, if the exhumation be presumed to have been properly made by Assistant Surgeon Kerr?—I can't account for it at all, if three bodies had been buried in one grave for only a year, all the bones with very little care ought to have been taken up; that is my experience.

2550. Suppose all the bones were carefully taken up, would you or not attribute the absence of so many bones to age or decay, or what else?—I am inclined to think that some of them were never buried there at all, or they ought to have been found.

2551. Would the interment of two or more bodies in the same grave at the same time, hasten or retard decomposition (without coffins)?—Most decidedly retard it.

2552. Was the skull attached to the body of the longest or tallest man smashed, or in any way considerably injured at the time you first saw the bones in the engine-room?—I believe the skull and all the bones of the skeleton alluded to, with two exceptions, were perfectly uninjured; the two bones of that skeleton which had anything peculiar about them, were an atlas or first vertebra of the neck, which was either congenitally imperfect or had suffered from disease, and one pelvic bone was peculiar in having an apparent fracture resembling a suture through the ramus of the pubis.

2553. Can you tell the effect of lime on a dead body in a grave; does it at first hasten or retard decomposition, or make any difference in that respect?—I believe, that as long as the lime is quicklime, it will corrode and decompose organic substances with which it is in contact, but so soon as it becomes a carbonate or a sulphuret, its decomposing effect ceases, and it then becomes inert, and neither hastens nor retards decomposition.

2554. Would a damp soil necessarily cause or hasten decomposition of bodies buried; would the bodies become adipocere, or what?—A damp soil, a very damp clayey soil would not hasten decomposition, but tends to the formation of adipocere.

2555. Have you seen the fractures on the bones of those three bodies; could some of those injuries have been caused by other means than a conical ball, or have been caused after death?—There are some wounds upon the different bones there that might have been caused by conical bullets or by other means; there are some that might have been or were caused by conical bullets; there are two skulls there, each of which bears the mark of what might have been an injury from a conical bullet; but I don't believe that any conical bullet could have inflicted the sum total of the injuries on each of the two skulls; and from the appearances of these injuries, their broken edges, I believe they were or might have been inflicted after death.

2556. In your first examination, did you see whether any of the anterior superior spinous processes were missing?—There were none missing; my reason for stating so is, that when No. 1 supernumerary bone was said to exist, some gentleman said it was an anterior superior spinous process of the ilium, and every ilium present was examined; this was done more particularly by two gentlemen who examined the bones.

2557. Are you acquainted with Orfila's works; does he maintain any opinion that in six months a body buried in a coffin would be completely decomposed?—I am acquainted with Orfila's work, entitled "Juridical Exhumations," relating to this subject, and I recollect the remark he makes, that the earliest periods he was acquainted with a body becoming skeletonised was in 18, 15, and once in 14 months.

2558. Have you seen skin distinctly recognisable as such after burial for months?—I have.

2559. Did you observe anything like the remains of skin about the three bodies in the engine-room?—Not the slightest appearance of anything like skin.

2560. Would you have expected if all those bodies had been buried together for the same time, to find some of the long bones friable, light, and disintegrated, and others of the delicate bones sound, and with sharp clean edges at their points?—Most certainly not.

2561. Do you recollect sawing a thigh bone of one of these bones; what result was there, and what inference do you draw therefrom, in respect of the period of interment?—It was sawn; I did not saw it; the result was, that the medullary canal presented the appearance of a bone which had been a long time buried; there was no smell beyond that caused by the act of sawing the bone; a fresh bone would have given rise to a very offensive odour; the internal structure was dry and contained nothing like fresh marrow.

2562. Do you believe that in a body buried for three, four, or six months, either in a coffin or without one, thorough decomposition of the solid parts, would have occurred?—I do not believe it; it is thoroughly opposed to all my experience; and to all my reading in any climate.

2563. You spoke in reference to Orfila's work as to bodies in a coffin; does he at all maintain that in or out of a coffin thorough decomposition might take place in three, four, or six months?—No, he does not; but he certainly makes the general remark that bodies uncoffined, would decompose more rapidly than those in coffins.

2564. Will you state as fully as you can, your reasons for believing that the bones produced must have been in the ground for a longer period than 11 months and four days?—I think I have stated that from the condition of the bones generally, the lightness, friability, and positive disintegration of many of them, the almost total disappearance of cartilage; the only portions of cartilage I saw, were a few particles between the joints of the vertebræ, and the total absence of all tendons and ligaments; they must have been buried for a longer period than 12 months.

2565. In reference to the splintered character of the injuries on the skulls or other bones, would such appearances lead you readily to believe that they were effected by an Enfield rifle, if you had seen them anywhere?—From my experience and reading, and from seeing a great many specimens in museums, I do not believe that a conical bullet fired from a rifle at 11 paces would splinter any

The Hon. *L. Q. Bowerbank.*
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skull as No. 3 was splintered, nor would any bullet splinter a bone as the pelvic bone of No. 1 skeleton was splintered.

2566. *By Prosecutor.*] Do you happen to know the climate in which the experiments or observations of Orfila of which you have spoken were made?—Yes; chiefly in France, and particularly about Paris; but his observations extend over the whole world.

2567. Does Orfila state whether or not those bodies were enveloped in linen, put in coffins, and buried deep in the earth?—In the remarks I made he does state the bodies were in coffins, and that implies a certain amount of clothing, and the usual method of sepulture.

2568. Do you know if there are any medical men, who have not been examined before this Court, who have seen and examined the bones now in the engine-room, who differ from you in opinion respecting them: you are not asked to tell their opinions nor their names?—I know several medical gentlemen who have examined the bones, and I believe some of them differ from me.

[The Witness withdraws.

The Prisoner states that he does not intend to call on further evidence, and asks till Wednesday next to prepare his closing address.

The Prosecutor notifies his intention of recalling Mr. Alfred Brooks.

It being now 4 p. m., the Court adjourns till 10 a. m. to-morrow, the 26th instant.

Twenty-Ninth Day, 26th January 1867.

On Saturday, the 26th of January 1867, at 10 a. m., the Court re-assembles, pursuant to adjournment: Present the same Members as yesterday.

Twentieth Witness for Prosecution re-called.

Alfred Brooks, being recalled, is questioned on his former oath by the Prosecutor.

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2569. *By Prosecutor.*] Look at the book now produced and shown to you, and to the entries in it in pencil, and say if it is in your handwriting?—The entry on the front part of the page, and on the reverse of the page, down as far as the printed words "3 Wednesday," are in my handwriting, but the lower part below that, written paler, including the signature, is not mine. There should also be another leaf immediately following that written page, with some writing on it relative to some private affairs of my own.

2570. Can you tell why you did not make any entry in that book about the three men whose dead bodies you saw on the morning of the 22nd of October?—The reason of my not making any entry was that I had placed the book under the mattrass, and could not find it next morning. I had forgotten where I had placed it.

2571. Have you ever seen the book since the time you placed it under the mattrass until you see it now?—I have never seen it until now.

The Prosecutor now applies for permission to continue the examination of this Witness, for the following reasons:

I respectfully submit to the Court my right to re-examine this Witness in rebutter to the evidence adduced on the part of the defence, to show that he was sick and unable to leave Golden Grove Estate on the 22nd of October 1865. This formed no part of the case for the prosecution, nor could such a line of defence or impeachment of the Witness have been anticipated, because not a question was asked of him in cross-examination as to his state of health at the time.

The prisoner objects to this application as follows: The Court decided, as I think will appear by its records, that Mr. Brooks was to be examined in rebutter only on the new evidence in respect of the book. The matter mentioned in this application also is one which does not strictly come in rebutter at all on any main point; the point is where he was on that Sunday; there is his evidence already.

The Deputy Judge Advocate reads that portion of the proceedings referred to in the Prisoner's reply.

The Prosecutor declines making any rejoinder, and the Court is cleared for deliberation. On being re-opened, it is announced that the Court considers that the reason put forward by the Prosecutor entitles him to continue the examination of the Witness, as requested.

2572. *By Prosecutor.*] Were you sick on Saturday, the 21st, and on Sunday, the 22nd, of October 1865, at Golden Grove, and did a person named Alvarenga attend you on either of those days?—I was never sick on either of those two days. Alvarenga never attended me. I would not have a man like him to attend me.

2573. Do you know a woman named Frances Thompson; did she attend you at Golden Grove on the 21st or 22nd of October 1865?—I do not know her.

The Prisoner declines cross-examining the Witness, and he accordingly withdraws.

The book respecting which this Witness has been questioned is marked (L.), signed by the President, and appended to the proceedings.

In compliance with the Prisoner's request, preferred yesterday, for time to prepare his address, the Court adjourns till 1 p. m. on Wednesday next, 30th instant.

Thirtieth Day, 30th January 1867.

On Wednesday, the 30th January 1867, at 1 p. m., the Court re-assembles, pursuant to adjournment: Present the whole of the Members.

The Prisoner hands in a written address, which he requests may be read by the Deputy Judge Advocate, as he finds himself unequal to the task.

This having been done, the address is marked M., signed by the President, and attached to the proceedings.

The Court is then cleared for deliberation, and on being re-opened, the prisoner is requested to explain, for the information of the Court, the following words in his address, viz., "if allowed," as used with reference to Cecilia Robinson's evidence. The passage in question is read out, and the prisoner begs that he may be permitted to erase the words in question. This was accordingly done, with the Court's sanction.

The Prosecutor then requests that the Court will kindly grant him an adjournment till 12 noon on Friday next, in order to prepare his reply.

This application is granted, and the Court adjourns till the hour named on Friday next, 1st February 1867.

Thirty-First Day, 1st February 1867.

On Friday, the 1st February 1867, at 12 noon, the Court re assembles, pursuant to adjournment: Present the whole of the Members.

The Prosecutor reads his reply, which is marked N., signed by the President, and attached to the proceedings.

The Deputy Judge Advocate then begs for an adjournment till 11 a.m. to-morrow, in order to prepare his "summing up."

The Court grants this request, and accordingly adjourns till 11 a. m. to-morrow, the 2nd instant.

Thirty-Second Day, 2d February 1867.

On Friday, the 2nd February 1867, at 11 a.m. the Court re-assembles pursuant to adjournment: Present the same Members as yesterday.

SUMMING UP.

The Deputy Judge Advocate then sums up in the following terms:—

Summing up.

Mr. President and Gentlemen,

Staff Assistant Surgeon Morris stands arraigned before this Court on two charges, framed upon the 79th Article of War, for "Scandalous conduct unbecoming the character of an officer and a gentleman."

The act laid in the first charge is having, on the 18th October 1865, shot to death a man called William Gray.

The act laid in the second charge is having on the 21st October 1865, caused three men, severally named Richard Walton, Tommy Miles and John M'Call, to be shot to death.

Both acts are charged to have been done during the continuance of martial law in a district of Jamaica, over which martial law then prevailed, cruelly, wantonly, and wrongfully, and not in good faith, for the purpose of suppressing the insurrection, or for the preservation of the public peace in the island.

To save the time of the Court, the existence of martial law at the times and places mentioned in the charges, and the subsequent passing of an Act of Indemnity, now the law of the island, were agreed to be taken as proved. Page 4.

I will not detain you with any remarks on the nature of martial law, and the immunity to which an officer, engaged in the course of his duty in executing it, is entitled. But there is one peculiarity in this case; Assistant Surgeon Morris is a non-combatant officer, and the acts charged against him, if committed, lie beyond the sphere of his duty in the service. Taking, however, the proclamation of martial law and the Act of Indemnity together, the prisoner, irrespective of his position in the service, is indemnified for these acts, if done in good faith, and under a belief reasonably entertained that they were proper for the suppression of the insurrection, and for the preservation of the public peace in the island, and is not indemnified if they do not fall within this definition.

There is, however, a question in regard to his legal responsibility, arising out of his position as a non-combatant officer, to which I would call your attention.

On the occasions on which the acts charged were alleged to have been committed, Assistant Surgeon Morris was in medical charge of a detachment under the command of Ensign Cullen. Now a commanding officer is undoubtedly responsible for acts done by those under

his command, to his knowledge, and within his power to restrain. But whatever responsibility is attached to the officer in command, for allowing those under him to commit, or for not restraining them from committing, an act grossly illegal, his responsibility does not exonerate them. Such allowing or not restraining is not equivalent to an order, and even an order is not always a justification. For though our courts look upon an order from a superior to be of the nature of compulsion, and admit the justification arising from this compulsion, beyond what would be done in other courts; they do not extend the justification even of an actual order to acts obviously and grossly illegal.

At the outset it is my duty to remark, that the prisoner appears by the tenor of his address, to have forgotten the terms of your oath, taken in his presence, to try and determine according to the evidence in the matter now before you; since he has sought to introduce what is not now in evidence, particularly evidence given on Ensign Cullen's trial, and evidence which he says was given by himself and others before the Royal Commissioners. This latter evidence some of you probably never have read, and if any of you happen to have read it, you will certainly most conscientiously endeavour to forget it As members of the court martial on Ensign Cullen, you have acquired experience and knowledge of the characters of classes and of individuals, and by your visit to the Iron Bridge, topographical knowledge, which has become a part of yourselves as much as any other knowledge you may have acquired by education, military service, or acquaintance with mankind. Of this it would neither be right nor possible to divest yourselves, and to this the prisoner may justly appeal. Allowance must be made, too, for some allusions to evidence, really belonging to Ensign Cullen's case, having found their way into the present case, unconsciously and by a pardonable forgetfulness, owing to the length of time over which these investigations have extended, this present trial having begun on the 11th December last, since which date 86 witnesses have been examined; and to the difficulty of making a complete mental separation between the two trials. Still all specific facts and statements not incorporated in the evidence of this case, are excluded from your consideration by the terms of your oath.

The evidence in regard to the first charge, is this—

Captain Hole, then in command at Muirton, detached a party of the 1st West India Regiment, under Ensing Cullen, and with Assistant Surgeon Morris in medical charge, on the 28th October 1865, with orders to proceed to a place called "Friendship," where, it was reported, a body of rebels were entrenching themselves. The party went instead, by mistake, to Scott's Run, Hayning, and Jericho.

Q. 1836.

At a distance of about 2¾ miles along the main road from Muirton towards Quaa Hill, there is a stream, and immediately on the other side of it a mountain road turns off to the right. Hayning is three miles up this mountain road; Jericho about a mile further; Scott's Run lies off this road to the left, before reaching Hayning.

Q. 2034, 2035, 2036, 2037.

At the ford, about half-a-mile from Muirton, an old road, now disused as a main road, but practicable for persons on foot and on horseback, turns up the hill to the right, and passing through Grange Hill, falls into the main road near Williamsfield. It is a short cut, saving a quarter of a mile. This information is given by a resident in the neighbourhood, Mr. Scoltock.

Q. 2044. 2047.

It is alleged by the prosecution that Ensign Cullen's party took this old road through Grange Hill. It is alleged on the part of the defence that they did not leave the main road before reaching the turn-off to Hayning.

This old road or track passes near Grange Hill House, now in ruins, described by some of the witnesses as the "Big House," or the "Busha House." A little further on, and to the left of the road, are two bread-fruit trees, the upper branches of which touch, and between their trunks there is another path diverging from the road. Under one of these bread-fruit trees, Assistant Surgeon Morris is alleged to have shot William Gray. All the witnesses for the prosecution who speak to his death, agree as to the locality.

Before entering upon the alleged circumstances of William Gray's death, it will be convenient to examine the chief evidence which fixes it on the 18th October 1865.

Deacon, now serving on board Her Majesty's Gunboat "Nettle," as engineer's servant, who remembers that it was in October 1865, but not the actual date, places it on the day the soldiers went to Hayning. Burke, a sailor, belonging to Scott's Run, says that it was on the 18th October; and describes that, meeting the soldiers on Grange Hill, on his way to Muirton to get a protection, he returned with them to Scott's Run, and remained there when they went to Hayning.

Q. 229.

Q. 135. 137. 177. 181.

Thus these two witnesses fix the day by mentioning another event which took place on that day.

I may here remark, as applicable to both the charges, that it would be dangerous to place too much reliance on the recollection of uneducated witnesses as to dates. But you will remember that the act of memory involved in recollecting a date, as a date, is a perfectly different act of memory from that involved in associating two events as having happened on the same day; more especially when one of them is impressed on the mind of the witness by his own participation in it. The latter act is as much within the power of an uneducated witness as in that of one belonging to a higher class.

Some evidence, besides, has been brought forward to fix this date by the aid of a written permission, bearing date October 18, 1865, given and signed by Captain Hole, and identified by him as in his handwriting.

Stephen Grant, who still is, and was then, a constable living at Grange Hill, states that he saw Gray "hearty" in the morning; that afterwards an alarm was all about that he was shot

Q. 304.

shot by the soldiers; that he saw him lying dead under one of the bread-fruit trees described above, and that in consequence he applied to Captain Hole for liberty to bury him, and received from him about 4 p.m. the permission referred to. It has been produced, and is in the following terms: "The bearer, Stephen Johnson, has permission to bury a dead body at Grange Hill." There can be no doubt, therefore, that there was a dead body, then lying unburied at Grange Hill. Was it that of Gray? Stephen Grant says it was. He says, also, that after receiving the permission, he had the body removed to the old Busha House, and gave it in charge to Gray's own family. The next morning, as he was going about as constable, and had no time himself, he gave the permission to Cane, that he might see the body buried; and the permission remained in Cane's possession up to this trial. Cane has been called. He speaks of the body as that of Gray, and states that he helped to bury it; that he received the "permission" from Grant, and retained it till he gave it over to the prosecution. Some doubt is sought to be thrown on Grant's statement that the permission was given to him, from the fact that it bears the name of Stephen Johnson instead of Stephen Grant. Captain Hole has no recollection of this particular paper, as he had to sign his name sometimes as often as 200 times a day, to certificates and passes of different kinds. He thinks, however, that it was given to the person whose name is on the paper, and that a constable who could read or write would not have ventured, at that time, to use a paper that did not bear his name; that he would have been afraid to do so, and would have called his attention to it. This is, of course, only offered by Captain Hole as his opinion of what was likely. On the other hand, there is certainly nothing improbable in a mistake occurring in a name under the circumstances, and in the mistake escaping the notice both of the writer and of the person receiving the paper. You will also have observed that this "permission" is not a personal protection, but an authority to do an act requiring to be done at once, while it was immaterial who did it. Neither the evidence of Grant, nor that of Cane, supposing they were aware of the mistake, shows any traces of the fears attributed to them by Captain Hole; for Grant represents himself as handing over the permission to Cane, and Cane as assisting the family of Gray to bury him, with the "permission" in his possession, though it was not made out in his name, or in that of any of Gray's family.

Q. 265. Q. 268. 282. Q. 305. Q. 275. Q. 317. 314. Q. 314. Q. 450.

The matter therefore stands thus: There is a dead body to be buried; it is within the duty of Grant, as a constable, to see that it is buried, and that at once; there is an authority for some one to bury it, signed by Captain Hole, all that is undoubted. You will consider, therefore, whether their conduct in treating, as they appear to have done, this paper as a permission for the family to bury, the important point being that it bore the signature of Captain Hole, is or is not probable.

This paper appears to preclude all possibility of there having been any unintentional mistake, on Grant's part, as to the date of Gray's death, and the question therefore becomes: Is he, or is he not, speaking the truth in placing it on that day, and in saying that he sought the "permission" in consequence of the alarm that Gray had been shot by the soldiers?

You will next have to consider the evidence brought forward to connect the prisoner with the death of Gray.

Two of the witnesses for the prosecution, who speak to the shooting, Deacon and Steel, accompanied the soldiers throughout the day. The others, Hamilton, Burke, Elizabeth Curate, John Curate, and Ellen Gray, were casually at the spot; Hamilton with Gray, Burke, as you have already heard, on his way to Muirton, and the last three on their way to their provision grounds, early in the morning.

According to the evidence for the prosecution, opposite the Grange Hill Busha House, a path turns off to the right, in coming from Muirton to Deeling. The soldiers went up this path to Deeling, and then returned to Grange Hill. On their return, following Deacon's account, Assistant Surgeon Morris saw three men sitting on the step at the Busha House, and went there with a few soldiers, and ordered them down to the bread-fruit tree. He then asked Deacon if he knew them, and Deacon answered that he knew Hamilton and Grey. Upon this, Corporal Hunter said, he had that name upon his list. Steel and Hamilton agree in there having been a conversation in which Gray's name was given. Steel makes him give it himself; they agree also in his name having been said to be upon a list. Hamilton representing Deacon, the other the corporal, as mentioning the list.

Q. 249. 257. Q. 232. Q. 54. Q. 30.

As regards the actual shooting, Ellen Gray describes the soldiers as opposite Billy Gray, standing up behind the white man; she herself was on one side of Billy Gray, with soldiers all round, but not so as to prevent her seeing her brother. John Curate describes himself as near Gray, with soldiers in front of him; but a horse just before him got away, and that made an opening through which he was enabled to see. William Burke also was in the midst of the soldiers. John Hamilton was standing behind Assistant Surgeon Morris, with soldiers about him, and he places Gray about five paces from the prisoner.

Q. 211. Q. 210. 214. 216. Q. 44.

All these witnesses agree that "the white man" (as he is described by Elizabeth Curate and Ellen Gray, who did not know him; Dr. Morris, as he is called by Hamilton, who knew him then, but does not recognise him now; and as he is identified here by John Curate, Steel, Burke, and Deacon, who had different means of knowing him) pointed his revolver at Gray, and that it snapped several times; most of them gave the number of times it snapped, and they differ as to the number, but I will not trouble you on this point; it would be difficult for any of us to remember such a number after the lapse of a year, however certain we might be as to the fact; and the evidence you have heard will probably lead you to judge that the notions of persons in the class of life to which these witnesses belong, are very vague as to numbers. Of this, indeed, Hamilton affords an instance; for

in his evidence, given before you, he puts the number of times the revolver snapped, first at five and then at four. But you will probably consider the point immaterial, except that this discrepancy appears inconsistent with the idea of concert among the witnesses.

All these witnesses, with the exception of Hamilton, also state that when the revolver snapped, Dr. Morris ordered a soldier to shoot Billy Gray, and that the soldier shot him with a rifle.

Steel, John Curate, and Ellen Gray, say Gray was shot in the chest. Steel adds that the soldiers shot him in several places after he was dead on the ground, and that the doctor split his head open with his sword. Hamilton's account is that the pistol would not go off, Q. 4. and that Dr. Morris screwed it from the lock, and then put it back, and called to one of the soldiers, "Must bring a rifle here;" that he then told the soldier he must stop a little, and cocked the pistol, the pistol went off, and Gray fell. He thus coincides with the others as to something being said or passing between Assistant Surgeon Morris and the soldier after the snapping of the pistol; while he differs from them as to the person who fired the deadly shot. This difference has been the subject of comment both by the prisoner and the prosecutor.

Q. 312. As to the wounds, Grant speaks to seeing a cut on Gray's forehead as he was lying under the bread-fruit tree; and Cane, who laid him out, saw a wound through his chest, coming out of his back, and a cut right down his forehead and eyebrow. The statement of Steel, therefore, that the soldiers shot him in several places on the ground, is not in accordance with Cane's evidence, though it would seem that a second wound was inflicted.

This is the evidence for the prosecution.

The prisoner denies the act; and in support of his denial, has called witnesses to show that he was not at Grange Hill that day; that neither he nor any of the detachment carried revolver, and that no one was shot on that march.

His most important witnesses are Ensign Cullen, Wolstenholme, then Company Sergeant Major, Sergeant O'Connor, Corporal Hunter, and Private Blythe, who were with the detachment that day. They all state that they saw no one shot that day. Wolstenholme Q. 1860. adds that he was close to Dr. Morris all that day. Ensign Cullen says that he did not lose sight of Dr. Morris that day; that Dr. Morris could not have given an order to shoot any- Q. 1857. one without his knowledge, and that he certainly would have reported such an act, had it taken place, to Captain Hole. Captain Hole has stated that no such report was made to him.

Q. 1860. As regards their route this day, Ensign Cullen says they marched from Muirton by the main road till they came to the turning up to Hayning, and that, to the best of his know- Q. 1856. 1838. ledge and belief, he was never at Grange Hill till he went there on the 31st December Q. 1759, 1760. last, to assure himself of the road taken on the 18th October 1865. Corporal Hunter says Q. 1789. 1749. that he knew the property before, but never was at Grange Hill itself till he went there Q. 2202, 2203. with Ensign Cullen on the 31st December last. Serjeant O'Connor says that they went by the main road from Muirton to Hayning; they did nothing but march there and back. Q. 2208. On being further questioned, he said he is a stranger to the locality, and does not know Q. 2204. 2211. the names of places there; he does not know Grange Hill, Scott's Run, nor Jericho. You will remember that they did go to Scott's Run, Hayning, and Jericho, and that, to reach those Q. 2266. 2284. 2288. places, they left the main road and took a mountain road. Wolstenholme says they did not leave the main road till they turned up to Hayning; he knows, he says, very little about Q. 2292. the roads or the places; he never heard the name of Grange Hill; he, too, does not know Scott's Run, and does not remember if they went to any other places but Hayning and Q. 2290. Jericho. Blythe remembers going to a place called "Hayton," or something like that, but Q. 2452. cannot describe the road they took; and, to his remembrance, never heard the name of Grange Hill. You will probably think that the recollections of O'Connor, Wolstenholme, and Blythe are too indistinct to afford you any trustworthy information as to their route, and that the denial that the detachment went by Grange Hill, so far as these witnesses are concerned, rests upon the evidence of Ensign Cullen and Corporal Hunter. In estimating the value to be set upon Ensign Cullen's recollection, you will doubtless observe that his memory as to another part of the exact route taken is not very clear. He went to Scott's Run as well as to Hayning, and to do so must, as you know from the evidence of Mr. Q. 1887. Scollock, have turned out of the Hayning road; but he does not remember whether he went there on going to, or on returning from, Hayning. You will also without doubt have remarked that on his late visit, to assure himself of the localities, he went only about 400 paces up the Williamsfield end of the road towards Grange Hill, as far as the bread-fruit trees, and that neither he nor Hunter took the route which he is alleged to have taken on that march, namely, up from the Muirton end, and over Grange Hill down to Williamsfield, certainly an incomplete way of refreshing their memories on that point.

In addition to these witnesses, the prisoner has called four men of the 2nd Battalion 6th Regiment to prove that he did not go to Grange Hill. Colour Sergeant Webster, Privates Allen, Gardener and Doolan say that a party of six men, under Webster, went out on the 18th October to Grange Hill; that they were out riding about five or six hours; and Grange Hill is the only place they mention as having visited. Doolan says he cannot remember the name of Q. 2219. 2479. any place, it was so long ago. Webster did not then know the name of Grange Hill, but remembers two bread-fruit trees in particular, to which he went, near the road. He saw Q. 2482. 2487. no dead body there; he neither saw nor spoke to anyone at the place. Allen says, he went out with Webster to Grange Hill, and did not hear of anyone being shot there. Q. 2254. Gardener and Doolan also state that they neither saw nor heard of any dead bodies there; that they saw some women and children, and that Webster and some of the others asked Q. 2259. if black troops had been there, and we answered "No"; that they asked this in obe-

dience

dience to orders from Captain Hole, in consquence of the habit of the black troops to break away. Doolan explains further, as a reason for their inquiries, that one of the black soldiers broke away from Muirton, shot a hog, and was absent for four or five days, and that after that they always used to ask about them. Now, Captain Hole arrived at Muirton on the 16th October, and this alleged visit to Grange Hill and these inquiries took place on the 18th. These dates may assist you in deciding what credit the evidence of this witness deserves. In his remarks on this part of the case, the prosecutor has suggested, in explanation of their not having seen the body, that it may have been removed into the Busha house. This suggestion, however, is not borne out by the evidence for the prosecution, according to which the body of Gray lay under the bread-fruit tree from the time at which he was shot till after 4 p.m. Q. 2260. Q. 2225.

In the next place, the prisoner brings evidence to show that neither he nor anyone else of the detachment carried a revolver on the 18th October.

Captain Hole says he remembers that Assistant Surgeon Morris's revolver had been rendered useless by the loss of the pin, and lay in two pieces on the window at Muirton; that he cannot state from what date to what date it lay there, but is certain that it was there the day Assistant-Surgeon Morris was out, the 18th. As Captain Hole has shown by his evidence generally that he is a very careful witness, you will have to consider whether, in fairness to him, his words ought or ought not to be interpreted as meaning that the revolver was in the window during that part of the day on which Assistant Surgeon Morris was out, the interpretation put upon them by the prisoner. Some further evidence was given to show that the pin of the revolver was lost on the 16th October, but I need not trouble you with it. You will, probably, believe that the revolver was out of order at this time. This point seems common to the two accounts, as the witnesses for the prosecution represent it as snapping several times. The question is, did he take it, though out of order, or any other revolver with him? Ensign Cullen says that Assistant Surgeon Morris had no revolver with him. None of the soldiers of the detachment were asked any questions on the point, except Blythe, who does not remember now how Dr. Morris was armed. The evidence on which the prisoner relies, is that of some men of the 6th Regiment, Serjeant Webster, Corporal Handley, Privates Edge, Roch, Allen, and Doolan, who say they observed Assistant Surgeon Morris before he set out, and that he had no revolver. Doolan says, further, that after Assistant Surgeon Morris left Muirton on the 18th, he attempted to clean the revolver; and Gardner says he saw it in Doolan's hand. Roch says, besides, that he never saw Ensign Cullen with a revolver, and Allen, that Dr. Morris was the only one of the detachment who had a revolver. Q. 1614. Q. 1858. Q. 2473. 2172. 2163, 2164. 2377. 2401. 2216. Q. 2217. Q. 2254. 2376. Q. 2401.

I have thus gone through the evidence on both sides, and you have heard the remarks made on it both by the prosecutor and the prisoner. It is for you to decide whether the case against the prisoner is made out, or whether the evidence he has brought forward disproves it, or throws such doubt upon it as to entitle him to an acquittal.

In case your finding should be adverse to the prisoner, I would call your attention to the wording of the charge. The prisoner is charged with having shot to death William Gray. On the supposition of such an adverse finding, you must conclude—as, indeed, has been admitted by the prosecutor—that Hamilton is wrong in saying that Assistant Surgeon Morris shot him with his own hand, and that the other witnesses are right who say that a soldier shot him in the presence of Assistant Surgeon Morris, and in obedience to his orders. In the latter case, however, Assistant Surgeon Morris would be as guilty of having shot him as if he had done it with his own hand. Where one gives a mortal stroke to a man, and another is present, aiding and abetting, the stroke is, in law, the stroke of each of the two, as much as if both had held the weapon and had struck together. The difference of their respective shares in the act is one merely of circumstances, and is described by designating the one who gave the stroke as the principal in the first degree, and the other as a principal in the second degree. Now, should you think that the words "shot to death," especially when compared with the words "caused to be shot to death," used in the second charge, and as explained by the evidence offered in support of that charge, convey the meaning that Assistant Surgeon Morris is a principal in the first degree; and should you wish to indicate your conclusion to be that he is a principal in the second degree, it is competent for you—under the rule of military law that if the evidence does not support the more grave part of a charge, a court martial may convict an offender in any degree in which he may be found guilty—to indicate that conclusion by finding a special verdict to the effect that the prisoner is guilty of having caused William Gray to be shot to death.

The evidence for the prosecution on the second charge naturally divides itself into two parts—

First, the evidence adduced to prove that the prisoner caused the three men named in the charge to be shot to death on the 21st October 1865.

Secondly, the evidence that the men were seen dead at the place of the alleged shooting the next day, Sunday, the 22nd.

The evidence for the defence may be similarly divided in two parts, each in answer to one of these.

There are some facts in the case established beyond doubt.

On the 21st October 1865, Ensign Cullen, in command of a detachment of the 1st West India Regiment, marched from Manchioneal, and arrived at the Plantain Garden River Post-office, which is kept by Mr. Manning, and is both a post-office and a shop, or

the Iron Bridge, as the spot is generally called, a little before 9 a.m. His orders were to report himself to the officer he would meet at the post-office. He halted there till about 2.30 or 3 p.m., at which time he marched on to Golden Grove, in compliance with subsequent orders sent to him from Lieutenant Adcock.

The soldiers with him, with the exception of Private Leslie, made the halt shorter; but whatever may be the cause of their mistake, they are shown by the evidence of Ensign Cullen, and that of several other witnesses for this prosecution and the defence, to be in error. Assistant Surgeon Morris accompanied the detachment in medical charge, and on arriving at the post-office, complained of illness, and lay down in a small room adjoining the shop. He, as well as most of the others, arrived on horseback, and he left with the others on horseback. During this halt the act charged is alleged to have been done by him. Before, however, examining this point, it will be convenient to pass on to the second part of the evidence—that of the men having been seen dead on 22nd October, and to leave to the last that which directly affects the prisoner. But before coming to the question of this actual date, you have the evidence of Robert Moyle Wilson, one of the

Q. 1694, 1695. witnesses for the defence, who was a book-keeper on Duckenfield Estate in 1865, that he

Q. 1699. heard of the shooting of the men at the Iron Bridge two or three months after it was said to have occurred; it might have been in January or February 1866, from Bryan, another

Q. 1700. book-keeper on the same estate. This evidence deserves attention, because the information was sought and given independently of and previously to the subject becoming a matter of general conversation.

Q. 1913. 1625. It became matter of conversation about the end of March last. On the 1st of April, Mr. Sinclair states, he and Mr. Chisholm were shown the grave by Peter Phillips, at which

Q. 1640. time no signs were apparent to him of a recent grave. The exhumation conducted by Assistant Surgeon Kerr in September last, proves that the spot was a grave, and Peter Phillips knew the fact on April 1st. It is insinuated that it is a made-up grave. The grave cannot have been made up since April, as the place has been under observation. Nor can it be supposed to have been made up with a view to the inquiry by the Royal Commission, consistently with Mr. Sinclair's evidence, since he, looking at it with the care implied in his taking, as a magistrate, the witness Phillips he was examining to identify the exact spot, saw no signs of a recent grave. No other time has been suggested, at which a grave containing skeletons bearing marks resembling bullet wounds, can reasonably be supposed to have been made up. And if it is not a made-up grave, you would justly require evidence and explanation far more distinct and definite than that brought before you on the part of the defence, to lead you in the face of the testimony adduced by the prosecution, to assign it to any other time but that alleged.

Q. 1047. 1077. 1102 1275. The next evidence is that of the witnesses, who say they dug the grave; these are Wedderburn, Harriett Warren, Taylor, and Bayley, labourers from Amity Hall, and Bartley, an African, residing at Dalvey. They all state they saw the three men dead, and tied to the bamboo rail of Duckenfield grass-piece, and helped to bury them in a grave in the grass-piece on a Sunday in October 1865; according to two of them, the 22nd, at some time, as appears by comparing their statements, between 10 a.m. and 1 p.m.; they also say that it was the same grave out of which they took three skeletons at the exhumation conducted by Assistant Surgeon Kerr. There is no doubt that they exhumed three skeletons from a spot in this grass-piece on the 26th of last September; that they recognised that spot as the place

Q. 1204. where they were to dig, and that they had no difficulty in finding this spot. Some of them, therefore, must have had some previous knowledge that three skeletons would be found there; they account for that knowledge by saying that they buried these three men there.

The prisoner endeavours to throw discredit on these witnesses, by proving that they were not seen by witnesses whom he has called belonging to a mounted party from Golden Grove, under Lieutenant Adcock, which passed over the Iron Bridge and through Amity Hall that Sunday morning. You will have observed, however, that according to the evidence for the defence, this party had passed the bridge apparently two hours or even

Q. 2119. more before the burial is alleged to have taken place; that it was the habit of the negroes to get out of the way of any body of troops, and on that Sunday morning few were seen,

Q. 2118. except women, children, old men, and people with sore legs; persons that is, who from sex, age, or infirmity, could not easily get out of the way.

It is at this part of the case that the medical evidence comes in, brought forward by the prisoner, to prove that the story of these witnesses is impossible, as contradicted by the observations of medical science, and by the prosecution, in anticipation of this line of defence, to show that the story is consistent with those observations; the most important point in regard to which, it is adduced, is the state of decomposition in which these skeletons were found. Now, if the accounts of the persons who say they buried these bodies, were in flagrant opposition to the facts well established by medical science, you would, without doubt reject it; but this is not the case. The subject of decomposition, is one on which Dr. Anderson tells you the opinions of medical men differ widely. The three witnesses for the defence, Dr. Bowerbank, Dr. Anderson, and Dr. Manners, give it as their opinion, that these skeletons must have been in the ground more than the alleged time. The three witnesses for the prosecution, Assistant Surgeon Kerr, Dr. Fiddes, who appears to speak after considerable experience, independent of this case, and Dr. Scott, state it as their opinion, that regard being had to all the circumstances of the case, the skeletons are in a state of decomposition to be expected after the alleged period of interment.

The other proofs offered of the impossibility of the story on medical grounds are, first, the absence of about 150 bones of the hands and feet; and secondly, the presence of two small fragments of bone not identified as belonging to any one of the skeletons. The prisoner

soner has not made his object very clear, but he appears to intend by the first of these proofs, to raise a presumption that the bodies have been longer in the earth than a year; these missing bones being assumed to have decayed. On this point, Dr. Anderson says, that some of the smaller ones may have decayed within a year. It is in evidence, that corresponding bones are present, and Dr. Scott tells you, that it not unfrequently happens in exhumation that these small bones become mixed with the earth, and thus escape observation. By the second proof, and perhaps by both, the prisoner appears to intend to raise a presumption, that the grave from which the skeletons were taken, was made up for the purpose.

With regard to the two small bones marked 2 and 3, Dr. Anderson thinks they are probably in excess. Dr. Bowerbank and Dr. Manners express a decided opinion that they are so; the latter alone, indeed, says there are three bones in excess. Dr. Fiddes says they do not form any portion of the three skeletons. Dr. Scott, that he cannot satisfy his mind that they belong to the skeletons; and Assistant Surgeon Kerr offers no opinion regarding them. Q. 2518. Q. 2492. Q. 1244. Q. 1314.

You can form your own conclusions from these opinions as to the presumption to be raised from the presence of these bones. In forming this conclusion, you will remember that this portion of the evidence consists of speculative opinions on points of admitted obscurity, which cannot, by the nature of things, be placed on the same footing as proved facts.

Returning now to the evidence in regard to the burial, there is a discrepancy among the witnesses as to the exact position in which they placed the bodies in the grave. Wedderburn representing the head of the middle one as below the heads of the other two, and Bartley as above.

There is a point which will probably suggest itself to you, whether it is possible that the persons who dug the grave, may have, either by mistake or design, misplaced the day, and assigned a burial which really took place some other day to this Sunday.

Wedderburn, Taylor, and Bartley, say it was a Sunday in October 1865. The latter gives as his reason for recollecting it was a Sunday, that he saw people coming from Golden Grove church, and that Cyphus Wills told him he had been to church; a palpable error, as has been already pointed out to you by the prisoner. Harriett Warren and Bayley say, Sunday October 22nd. You will feel, however, that it would be unsafe to place much reliance on their recollection of this date, considered as an abstract date; but you have this further evidence on this point. In answer to questions put by the Court, Bayley said, that on the Sunday morning before he buried the bodies, he saw volunteers at Amity Hall coming from the burning of the meeting house. Now, the burning of the meeting house is fixed by Harrison and Astwood as having taken place on Sunday morning the 22nd. Q. 1054. 1277. 1171. Q. 1125. 1127. Q. 1917. 2131.

Bryan and Cyphus Wills, of Duckenfield, speak to seeing the bodies tied to the bamboo rail that Sunday morning; and though you would hardly trust the memory of the latter as to a date, the day is one which they would naturally remember, for on it they saw Mr. Sinclair, and were told by him, as he says himself, to resume their work the next day. Q. 369. 371.

The next portion of the evidence is that of Brooks, a volunteer belonging to Ford's Irregulars, of six constables from Holland Bay or Estate, and of one of a body of prisoners under their charge, who all say they saw the dead bodies on Sunday morning the 22nd. Brooks' account is that on that Sunday he was sent by Captain Ford to arrest prisoners on Holland Estate, and that he left Golden Grove for that purpose, between 7 and 8 a.m., after the departure of Lieutenant Adcock's party. He went along the Holland Bay Road, and on his way saw three dead men tied to the bamboo rail of Duckenfield grass piece; one of whom he recognised as Walton. He procured some constables, and with their assistance he arrested about 30 prisoners, and marched them by the Iron Bridge to Golden Grove, reaching the bridge about 10 a.m. When there, he took them down the road to the rail, and showed them the bodies as a warning. He arrived at Golden Grove, and delivered, he says, the prisoners to Lieutenant Adcock and Captain Ford, about 10.15 a.m., and then went out foraging with some soldiers of the 6th Regiment. As to seeing the bodies, he is corroborated by the six constables: Speed, Hamilton, Bevis Hunter, Brown, Sproul, and Bignall; some of whom state further, that they marched the prisoners to the Great House at Golden Grove, where Brooks went in for a time, and that then on his coming out they took them by his orders to the Mill House, and gave them over to the soldiers. Richard Roden Francis, one of the prisoners at the time, gives evidence to the same effect. Q. 746, 722. Q. 724, 725. Q. 726. 728. Q. 730. Q. 776. Q. 1032. 1145. Q. 1347.

Both by his evidence, and by his address, the prisoner has most strongly impugned this account, and endeavoured to show that Brooks was ill on that Sunday, and that he did not leave Golden Grove. To prove this, he has called Mais, then a book-keeper at Golden Grove, and now an overseer at Mullet Hall, St. Andrew's; Lowe, Stuart, and John Wilson, of Golden Grove; Frank M'Dermott, of Plantain Garden River Estate; Richard Moyle Wilson, then a book-keeper of Duckenfield, now of Plantain Garden River Estate; M'Farlane, formerly overseer of Amity Hall; David Ford, then second Serjeant of Ford's Irregulars, and Myers, both coppersmiths of St. David's; Alvarenga, a druggist of Golden Grove, and Frances Thompson, a washerwoman of Stokes Hall, then employed at Golden Grove; all these, as well as some other witnesses, state that Brooks complained of being unwell on the march from Morant Bay to Golden Grove, on Saturday 21st. Q. 1426.

At Golden Grove, Ford's Irregular Volunteers, or some of them, were quartered in the Book-keepers Barracks in the square. Without entering into details as to the plan of the building, it appears that there are two ways of getting out of the room, which Brooks is said Q. 2027, 2028.

said to have occupied; one into the piazza, within the observation of the occupants of the other rooms which open into the piazza, and which at that time are said to have had their doors smashed; and another, by a trap-door down a stair through a passage under the house, the way used by the servants; but by either way, a person leaving the building
Q. 1524. 1693. would be within the notice of persons in the square. Of the witnesses just mentioned, Stuart and Moyle Wilson went out with Lieutenant Adcock, and Frank M'Dermott was sent to the Rhine Pen for supplies about 7 a.m., returning about 1 p.m. Their evidence, therefore,
Q. 1692. does not apply to the time when Brooks says he went to Holland Estate, but they all three say that he was ill, and not in a state to go, when they saw him in the morning. Lowe
Q. 1484. says he saw him first about 10.30 a.m. lying in bed with his trousers on, but he cannot
Q. 2300. 2327. tell how he was. John Wilson and M'Farlane say they were detained, for reasons they assign, in and about the barracks all day, and that Brooks remained in his room ill. So
Q. 1578. also does Ford. Mais speaks of him as ill in the barracks. Myers, however, describes
Q. 1596, 1597. him as in and about the barracks, walking about with nothing particular to do. Frances
Q. 1401. Thompson says she nursed him, and saw him at 6 and 7 a.m., and never missed him all
Q. 1401. that day, as he remained in his bed; and Alvarenga, the druggist, that he visited him at 7,
Q. 1533. 8, and 10 a.m., and he described the active treatment he considered necessary for Brooks' state of debility, brought on by exposure from living in the woods, and running about.

You have thus two distinctly contradictory statements; both of them attended with difficulties, and all I can do is to suggest some points for your consideration.

There is no doubt that prisoners were brought in to Golden Grove that day; and among them, some of those whom Brooks and the constables say they brought in, are mentioned
Q. 1514. 1516. by Stuart, who however says they were brought in by a man named Isaac Cornwall.

On the one hand, you will observe that Brooks is not a careful witness. He has made
Q. 776. two inaccurate statements: First, he states that Lieutenant Adcock's party had returned from their march before 10.15 a.m., and that at that time he delivered the prisoners to him and Captain Ford; while you have it established by evidence, which you cannot doubt, that
Q. 2569. they did not return to Golden Grove till late that afternoon. Secondly, with regard to a memorandum-book produced before you, containing a page, part of which is in his handwriting, he has stated that there should be another leaf immediately following that written page, with writing on it relative to some private affairs of his own; though, as the prisoner has noticed, by inspection of the book, you will see that it is impossible there could have been such a leaf there. On the other hand, you cannot but view with suspicion that while all the other witnesses are, very naturally, at this distance of time, wanting in exactness as to hours in regard even to events of some importance, many of those who speak to the movements of Brooks, become extremely exact. You will remember also that Brooks is corroborated by six constables, and if he is speaking falsely, it seems difficult to conceive what motive can have induced them, under the circumstances, to perjure themselves in order to support his testimony.

Brooks' credibility is impeached, also, on the ground that he made no entry about seeing these three dead bodies on the Sunday, in the memorandum-book mentioned above, which
Q. 1422. 2301. he began to keep. Mais says that, to the best of his belief; John Wilson says decidedly, that the writing on both pages of the leaf produced is that of Brooks. Brooks states the entries on the first page and those on the second page, down to the printed word "Wednesday," to be in his handwriting, and denies the rest of that page to be his. You have observed the form of the letters and the character of the handwriting of these respective entries, and will draw your own conclusions from them. Should you believe the whole to be in his handwriting, you will observe that the entries end on the 21st October. Should you believe that the last portion is not his, the entries end on the 18th. In neither case, then, can the diary be relevant to the inquiry about the 22nd October, the day he speaks of seeing the dead bodies.

The evidence which the prisoner has offered to prove that there were no dead bodies at the bamboo drawrail on that Sunday, the 22nd, is that of some of the party under Lieutenant Adcock, on the march of that day. The party reached the Iron Bridge early, certainly
Q. 1896. before 8 a.m. Those who have been questioned on the point state that when at the bridge
Q. 1904. they did not smell any dead bodies, nor see any crows hovering about, as might, they say, have been expected, especially if blood had been spilt.

But the really important evidence on this point is that of two soldiers, Bedford and Cox, of the 6th Regiment, and of Watson, a volunteer.

Q. 2147. It appears that on this march Astwood's volunteers were in front, a few of the 6th in the centre, and Ford's Irregulars in the rear of the column. Two troopers, Berry and Brandon, the latter not now in the island, were in advance, according to Berry's account, about 100 yards, and according to Astwood's, about 25, until after passing the bridge. Mr. Harrison acted as guide. When they arrived at the turn by the post-office over the Iron Bridge, Berry and Brandon took the right road and crossed the bridge. At the post-office the
Q. 1898. 2098. 2380. column appears to have made a slight halt. Bedford and Cox, during this halt, say that the
Q. 2391. former changed his saddle, which was broken; and that, before the party offered to start, they and another soldier, since dead, had a race for their own amusement 200 or 300 yards
Q. 2420. down the Holland Bay-road, as fast as the horses could go. They state that they did not see any dead bodies on the road; and Cox adds that he did see a bamboo drawrail fence. No other witness speaks to having seen this race, though it would seem that, to ride it, these three men must have left their place in the centre of the column, and have passed Astwood's troopers in front of them, at a time when, according to Harrison, there was no regular halt. On this point you have heard the suggestion of the prosecutor, that this race probably took place on the Duckenfield, not on the Holland Bay-road.

Watson

Watson was one of Astwood's Volunteers, and the right-hand man of the leading file. Lieutenant Brass says he was riding beside the second file, which was not more than a horse's length behind the leading one. According to the evidence of Harrison, Astwood, Brass, and Watson, it appears that the head of the column began to advance down the Holland Bay-road, instead of following the advanced files, Berry and Brandon, over the bridge. This certainly seems to show that the orders which are stated by Trooper Davis to have been given to keep a sharp look-out, were not strictly obeyed by those at the head of the column. Harrison states that, on his noticing the mistake that had been made, there was a shout raised to call them back. He presumes they returned in obedience to this shout, but did not stop to see, as he was hurried over the bridge by Lieutenant Adcock, and he himself went barely to the blacksmith's shop. In answer to a question from the prisoner, whether he could give some idea of the extent to which the leading files went down the wrong road, he, somewhat vaguely, says they went down further than 80 paces—the distance of the bamboo draw-rail from Manning's shop—though he did not particularly notice it. Lieutenant Brass thinks he went down from 25 to 30 yards, reckoning from opposite the Iron Bridge, when he turned on hearing some shouting; and that at that distance he saw no dead bodies on the road. Watson states that he went down about 250 yards; that he took notice of a bamboo draw-rail in a logwood hedge; that he is positive that he saw it that morning, and that he did not see any dead bodies at that rail, as he must have done had any been there. He further states that he was called back by Mr. Harrison, who came, to the best of his recollection, within a few yards of them, at that distance of 250 yards; that he returned with the others—among them Lieutenant Brass—with Mr. Harrison.

Q. 2020. Q. 2248. Q. 2157. Q. 1923. 1921. Q. 1900. Q. 2247. 2237. Q. 1992. Q. 1994. Q. 2002, 2003.

Now, it cannot have escaped your notice that there are great difficulties in Watson's account. He is inaccurate in his estimate of distance, as he considers the bamboo draw-rail to be between 100 and 200 yards down the road, from abreast of the Iron Bridge; the actual distance being, as you are aware, about 60 yards. This inaccuracy, however, would not in itself explain his having failed to see the bodies, supposing them to have been there, because he represents himself as having gone about 250 yards—that is, further than he places the bamboo draw-rail—and as having actually seen this rail. But it seems impossible to reconcile his 250 yards with the 25 or 30 of Lieutenant Brass, and in his recollection that Mr. Harrison came within a few yards of him at that distance of 250 yards down that road, he is distinctly contradicted by Harrison himself, who you will probably think may be presumed to be most likely right in describing what he did in the discharge of his duty as guide.

Should you think, notwithstanding these difficulties, that the evidence proves that there were no bodies at the bamboo-rail on Sunday morning 22nd, you will approach the other part of the case, that relating to the death of the men, with distrust. But should you think that the evidence of the witnesses from Amity Hall, who say they dug the grave; of Brooks, the volunteer; and of the constables and the prisoner from Holland Bay and Estate; and of Bryan and Wills, from Duckenfield, offers a body of testimony too clear, and derived from sources apparently too independent of each other, to allow of a reasonable doubt that the two soldiers and Watson must have fallen into some mistake, and that the bodies were there on Sunday morning, you will observe that though your time has been chiefly occupied with this branch of the case, the evidence proves only that the men were dead at the time, and as yet does not affect the prisoner; and you will now go on to the other part of the case, and consider whether the evidence laid before you in regard to Saturday the 21st proves to your satisfaction that Assistant Surgeon Morris caused the three men to be shot to death.

First, then, I will take the evidence offered by the prosecution, and then that offered by the prisoner.

According to the former, Bryan, with two constables, Wills and Colson, took the three prisoners named in the charge (a fourth, who has been produced before you as a witness, having escaped on the way to the Post-office) on Saturday, October 21st. This was about mid-day, according to Bryan and Anderson. Manning also says that Dr. Morris had been lying down fully two hours before the shooting of the prisoners. The prisoners were delivered to the soldiers, and tied to one of the posts in front of Manning's shop. Bryan told Ensign Cullen that they were charged with stealing rum, nails, and other things from the estate, and asked him to flog them. An order for flogging was given, and some of the soldiers began to make a cat. The witnesses for the prosecution agree substantially in their account of this part of the matter, and I do not think it necessary to do more than put before you a summary of the evidence, for hitherto it does not affect the prisoner.

Q. 523. 991.

Up to this time the prisoner was in Manning's little room; but at this stage, following Manning's account, Dr. Morris went out to Ensign Cullen, who was standing in the road, whispered to him, and the soldiers then said, "The men are to be shot; the doctor say so," speaking loudly. Immediately afterwards the prisoners were loosed from the post, led off by soldiers, who were called out with their rifles, and with Dr. Morris and the soldiers with their rifles marched off down the road some sixty or seventy yards, where they stopped, and were taken across the road. His words are, "I could only then see the three heads of the three prisoners." He then describes, as you will recollect, the shooting of the prisoners one by one, and adds, "I then saw Dr. Morris discharge a rifle at one of the men that were shot." Bryan states that he told Dr. Morris the charge against the prisoners. He, Colson and Wills, the constables with him; Speed, a constable from Holland Bay estate; Cecilia Robinson, Manning's cook at that time, who says she had been giving Dr. Morris tea; Donaldson, Manning's servant; Anderson, then staying at the post-office;

Q. 943. Q. 460. 462. 388. 362. 404. 560. 561. Q. 612. 617. 822.

393. 783. Hamilton, a shopkeeper at Holland estate; Duany, a lighthouse keeper at Morant Point; all speak of Dr. Morris as joining or whispering to Ensign Cullen, and represent that after that the order for shooting was given.

Q. 4 1. Q. 393. Bryan states that Dr. Morris ordered the soldiers to take their rifles—"Four of you get up your rifles." Hamilton also represents him as giving an order about the prisoners—"Loose them, and take them out one by one;" and Manning's account of the soldiers' words implies some order on the part of the prisoner. It appears from the evidence for the prosecution that Ensign Cullen did not go down to the place where the men were shot. If, therefore, you believe these witnesses at all, you will believe that the prisoner took a leading part in causing their shooting.

Q. 945. Q. 628. Q. 823, 824. Q. 892. Bryan, who was sitting on his horse at the upper door of Manning's shop; Manning and Duany, who were in the shop; Donaldson, who went some way down towards the bamboo draw-rail; Anderson, who was in the middle of the road, opposite the Post-office box; and Hamilton, who was under the shed of the shop, all say that Dr. Morris was at the shooting with the soldiers, and that he fired the last shot.

With regard to this last shot, I submit to you that it was probably fired, if fired, to put a speedy end to the sufferings of a wounded man, and that you should treat it only as evidence of the prisoner's presence.

Putting together, therefore, the different portions of evidence, the result is this:—There is evidence pointing to the conclusion that the change of orders from flogging to shooting was due to the prisoner's interference. There is distinct evidence that he gave orders in regard to the shooting; this was in the presence and hearing of Ensign Cullen; and there is evidence also that he was at the place where the men were shot without Ensign Cullen, and took part in the shooting. Should you consider this to be proved, Assistant Surgeon Morris comes within the charge of having "caused the men to be shot to death."

Q. 947, 826. Q. 1007. 827. 529. 686. There is a point not made clear by the evidence, on which the Court has sought information by its own questions—the number of the firing party and of rifles discharged. Manning thinks ten to twelve soldiers, Anderson about fourteen soldiers, went down the road with the prisoners. Neither can say how many fired at each prisoner. Bryan says four soldiers, and he and Donaldson represent one soldier as firing at each prisoner, Dr. Morris firing the fourth shot. There is, strictly speaking, no discrepancy here, for as some of the witnesses describe the soldiers as excited, it seems very probable that more went down than those who actually fired. But there are two discrepancies. Bryan differs from all the witnesses who speak on the subject, in stating that the men were tied to the rail, with their backs to the road. The witnesses also, as has been pointed out by the prisoner, differ as to the wounds inflicted. One of the three men appears from the evidence to have had a wound in the head from which the brains protruded, while Brooks, who says he observed closely and knew the man, represents this to be Walton. Harriett Warren, who was present at the burial, and also knew him, represents this to be one of the others, and Walton as wounded in the belly. Bryan again represents that all their heads were mashed, and the brains going out of all of them.

Q. 404. Q. 472.

The prisoner, in his defence, seeks to show the untrustworthiness of the witnesses, the improbability of the story, the impossibility of his having done the act with which he is charged, in consequence of his illness at the time, and that no men were shot on that march that day.

With regard to the untrustworthiness of the witnesses, the prisoner has suggested more than once that the story is one concocted by a conspiracy, of which Manning is the chief instigator. I am obliged to point out to you that there is no evidence in the case of a conspiracy, and much evidence inconsistent with the suggestion. The numerous discrepancies on particular points—such as that among the persons who dug the grave as to the position of the bodies in it, Bryan's statement as to the manner in which the men were tied to the rail, the different accounts of the wounds, discrepancies to which the prisoner has fairly alluded, as raising doubts with regard to the accuracy of the story—tell against his suggestion of its being concerted. If you carefully consider the genius necessary to hatch a conspiracy of such magnitude, and the subordination and intelligence required by the numerous agents for the performance of the parts respectively assigned to them, you can hardly fail, I submit to you, to reject the notion as impossible.

Q. 471, 472.

Upon the untrustworthiness of the individual witnesses, I must refer you to the prisoner's address, as well as to the reply of the prosecutor in their support, subject, however, to this remark, that in his attack upon the character of Manning, the prisoner has alluded to subjects which are irrelevant, and could not legally come under the cognisance of this Court.

The improbability of the story is argued from the evidence of the volunteers called, that they did not hear of it that Saturday afternoon or the Sunday on their march. Some remarks have been made by the prisoner that Manning did not complain of or communicate the act to Berry on Saturday, or to Captain Ford on Sunday. You will consider whether the time was favourable for communications implying some reproach upon two officers, or these volunteers—persons to whom it is likely such communications would be made. You will probably think that it is with much greater reason that the prisoner appeals to Captain Astwood's evidence, that though Ensign Cullen sat by Astwood at dinner, and their conversation was free, and on the subject of their respective marches, Ensign Cullen made no mention of any men having been shot that day. This, you will remember, was at a time when, and in conversation with a person in regard to whom, there could apparently have been no reason for concealment.

There

There can be no doubt that Assistant-Surgeon Morris was ill on that day; the question is whether he was incapacitated while at the Post-office by that illness from doing that with which he is charged.

On this point you have the following evidence:—In addition to what they have stated as to his share in the shooting of the men, Manning, Duany, and Anderson represent him as moving about, after returning from the shooting, and going to the river, apparently to bathe. On the other hand, Ensign Cullen says that, on arriving at the Post-office, Assistant-Surgeon Morris was almost exhausted, and was assisted into the little room, and placed on a table, where he lay till he went on to Golden Grove, that he was so ill that Ensign Cullen endeavoured, though unsuccessfully, to procure a vehicle for his conveyance; he was incapable of giving any order, and that he was attended by the hospital orderly, Thomas, and by Maddix, and that on leaving the Post-office he could not mount without assistance, and was obliged to be held on his horse. Maddix says that he attended Dr. Morris the whole time they were at the Post-office, and that neither of them left the room. He differs, however, from Ensign Cullen on two points; for he says that he alone was in attendance on Dr. Morris; and that, on arriving, Dr. Morris dismounted, and on leaving mounted without assistance. Q. 1393. 1806. Q. 1810. 1865. Q. 1872. Q. 2079. 2091.

The other soldiers of the detachment who have been called all say that they did not see him outside the Post-office during their halt there, and they all speak of themselves as being in and about the building during the whole time. It is scarcely possible that he could have come out without being noticed by them.

To prove that no men were shot on that march, the prisoner has called Ensign Cullen, Wolstenholme, Serjeant O'Connor, Corporals Hunter and Maddix, and Privates Gordon, Blythe and Leslie; Police Serjeant Drysdale, and Mr. Berry, the volunteer; all of whom were at the Post-office at some time during the halt on 21st October 1865. I need not trouble you with Drysdale's evidence, for as he left the Post-office before the prisoners are alleged to have been brought there, and as he went to Golden Grove while they were brought from Duckenfield, and therefore could not have met them, his evidence is not to the point. Berry was sent with Brandon by Lieut. Adcock, to call in Ensign Cullen. He arrived at the Post-office about 2 P.M., that is after the time at which the men are said to have been shot, and he returned with Ensign Cullen to Golden Grove. He states that he did not see or hear of any men having been shot. He says, too, that he went into the grass-piece. The prisoner has called your attention to the improbability of his going in there without seeing the dead bodies had they been at the spot alleged. You will, I doubt not, give full consideration to his remarks, bearing in mind that, in answer to a question from the Court, Berry said, when he went, he did not see any bamboo draw-rail in the logwood hedge, but only a bamboo fence. Q. 2352.

You will probably think that the real strength of the defence lies in the evidence of Ensign Cullen and the soldiers of the detachment. They all, with the exception of Hunter, swear that they were at or about the Post-office during the whole time of the halt on that Saturday, and that no prisoners were brought in or shot.

Hunter is the only soldier, except one mentioned by Bryan, specially named by the witnesses for the prosecution as taking part in the transaction. This he has explicitly denied. In addition, it is contended that he had left the Post-office before the time at which the prisoners are alleged to have been brought in; and great stress is laid upon the point in the address of the prisoner to you.

The evidence offered is this:—Ensign Cullen states, that about a quarter of an hour after his arrival at the Post-office, he sent Hunter on with 10 or 12 men, and saw them go. Maddix and Gordon agree with him as to this advance-guard being sent on. Blythe says, there was an advance-guard under the command of Hunter all the way from Manchioneal, and that it went straight on without stopping at the Post-office. Hunter's own account is different; he says he was sent on alone; that some of the regiment, whose names he does not know, came after, but did not go with him. O'Connor does not remember if an advance-guard was sent on. Wolstenholme was not asked any question on this, but he does state that, on reaching Golden Grove, he saw a few men of the detachment who had gone on previously. Leslie distinctly contradicts this account about Hunter, for he says that as Hunter marched off, the rest were falling in to march to Golden Grove. This is the evidence of the principal witnesses on this subject. The prisoner has pointed out to you all the other evidence in the case which tends to corroborate, and the prosecutor that which tends to contradict, this account. It is for you to consider what credit you think is to be attached to the alibi which is sought to be established in favour of Hunter. Q. 1822. Q. 2072. 2356. Q. 2433. Q. 1720. Q. 1722. Q. 2187. Q. 2266. Q. 2278. Q. 2467.

I have dwelt on the chief points in both these cases, at a length which may appear at first sight unnecessary after the elaborate analysis of the evidence made by the prisoner and the prosecutor in their respective addresses, but I have done so in the hope of assisting you by placing in juxtaposition before you the different portions of the evidence, as they present themselves to the mind of one bound by the instructions issued for his guidance "to maintain a perfectly impartial position."

It is now for you to decide whether the prisoner did the acts charged cruelly, wantonly, and wrongfully, and not in good faith.

If you come to the conclusion that he did either or both of these acts, but can see in the circumstances evidence of honest mistake on his part, of belief, reasonably entertained, that he was acting in the discharge of his duty, though he may have been acting beyond the sphere of his ordinary duty, he is entitled to an acquittal in regard to such act. But before you come to the conclusion that he did either of the acts charged, you

will not only carefully consider the suggestions offered by the prisoner in his defence, but also, in willing performance of your duty towards him, of yourselves examine whether the evidence adduced against him appears to you satisfactory, independently of and beyond all that he has urged on his own behalf.

H. J. Maclean,
Capt., Rifle Brigade,
Deputy Judge Advocate.

Kingston, Jamaica,
2 February 1867.

The Court is then closed for the purpose of deliberating on its

FINDING.

Finding.

The Court having maturely weighed and considered the evidence before it, together with what has been urged by the prisoner in his defence, is of opinion, with regard to the first charge, that he, the prisoner, Staff Assistant Surgeon Henry Morris, is "Not Guilty," and acquits him of the same.

And with regard to the 2nd charge, that he, the prisoner, Staff Assistant Surgeon Henry Morris, is also "Not Guilty," and accordingly acquits him thereof.

R. T. Farren, Colonel,
And Lieut.-Col., 4th Depôt Battalion,
President.

H. J. Maclean, Captain, Rifle Brigade,
Deputy Judge Advocate,
Kingston, Jamaica, 2 February 1867.

APPENDIX.

DOCUMENTS ATTACHED TO PROCEEDINGS.

Appendix (A).

(A.)

PROSECUTOR'S ADDRESS.

Mr. President and Gentlemen,

As prosecutor, I have to submit to your investigation two charges against Staff Assistant Surgeon Morris, the first, for having shot to death a man called William Gray on the 18th of October 1865, at or near a place called Grange Hill, in the parish of St. Thomas-in-the-East, in the county of Surrey, in this island; and the second, for having caused three men to be shot to death at a place near the iron suspension bridge at Duckenfield estate, and the Plantain Garden River post-office, in the parish of St. Thomas-in-the-East, in the county of Surrey, in this island, on the 21st of October 1865.

It is now a matter of universal history, and must therefore be in your knowledge, that at that time martial law prevailed in the part of this island known as the county of Surrey (with the exception of the city of Kingston), it having been proclaimed in consequence of disturbances which had taken place in the parish of St. Thomas-in-the-East. For the suppression of such disturbances and the restoration of public tranquillity, and under the authority of martial law, military operations, somewhat extensive and rigorous, became necessary and justifiable; and in the course of this investigation it will be shown to you that the Legislature of the Colony, with the concurrence of the Imperial Government, have indemnified all acts done in good faith in suppressing the disturbances and punishing the wrong-doers. I have shortly adverted to this, because it will, I respectfully submit, be the duty of the Court to inquire and consider how far the offences charged can be justified or excused by the legislative enactment to which I have referred. It is my duty to state, Mr. President and Gentlemen, that the cases which I am about to submit to you have been made the subject of investigation, because they present features which seem to divest them of all pretence for saying that the acts complained of were necessary, either to the suppression of disturbances or the adequate punishment of any imputed offence.

Respecting the first charge, it is my duty to state that in the preliminary investigation which I thought proper to make into the evidence to support it, there appears to be some discrepancy of testimony. I am prepared to bring before you and examine

seven

seven witnesses, who will each depose that, in obedience to the order of the prisoner, the deceased, William Gray, was shot to death; two of these witnesses speak to the shooting, but differ as to the mode by which it was done, not only as between themselves, but also from the other witnesses. One of these two witnesses will state that the prisoner himself shot William Gray with a pistol, which he had three or four times previously presented at him; the other will state that the prisoner took a rifle from a soldier who was standing near, and discharged it at the deceased. It will be for you to judge, after seeing the witnesses and observing the manner in which they give their testimony, how far you think the story is true in its main incident; that is to say, that William Gray was, either by the prisoner himself or by some other person acting under his order, shot to death; and should you be of opinion that the act was done by a soldier acting under the prisoner's orders, then, that the two witnesses who differ from the others are mistaken as to the manner in which the act was done. That William Gray was put to death, and is not now, and has not since the 18th October 1865 been alive, seems beyond human doubt.

All the witnesses who speak to this case state that a party of soldiers were on the march near Grange Hill, and not far from Manchioneal, Dr. Morris being with them; that William Gray was seen to approach in a respectful attitude to the prisoner, when it appears, upon hearing Gray's name, a soldier remarked that he had a list in the barrack with that name upon it, and that he must be the same man, whereupon the deceased was ordered to stand off, and was forthwith shot to death by one or other of the means before mentioned. There will be evidence of the identity of the body by other witnesses who did not see the shooting, and of permission being asked of the military authorities, and given, for the burial of the same.

With regard to the second charge, I have to state that the facts which are likely to be established in evidence are shortly these: A detachment of Her Majesty's 1st West India Regiment, under the command of Ensign Cullen, with the prisoner, Staff Assistant Surgeon Morris, in attendance as medical officer, was at the Plantain Garden River post-office on Saturday, the 21st of October 1865; while there, three prisoners, it will be deposed, were brought to the place, charged with stealing nails and rum; there was a manifested intention to flog them for this offence, when, at the instance, and almost, I may say, according to the direction of the prisoner, Dr. Morris, the three prisoners were put to death by being shot.

On the following day (Sunday) the three bodies were buried, and this was done by some labourers who resided in the neighbourhood, and will give what seems to be satisfactory evidence of the identity of the bodies so buried with those subsequently exhumed.

The tragic narrative which I have condensed into this short address will, by reason of the course of proceedings peculiar to courts martial, exhaust much of your time to go into evidence of all its details, but I think that the conclusions from the evidence that will be laid before you will be—

1stly. That the three men were shot to death.

2ndly. That Staff Assistant Surgeon Morris caused them to be shot to death.

3rdly. That he did so cruelly, wantonly, and wrongfully, and not in good faith for the purpose of suppressing the insurrection or the preservation of the public peace.

There is one remark which I hope the Court will allow me to make before concluding, with regard to a circumstance which is, strictly speaking, beyond the present investigation. As Prosecutor in another trial just concluded before a court martial (of which you were all members), of another officer, arising out of the same facts which I have laid before you in this case, I was obliged, in the discharge of my duty, to introduce the name of Dr. Morris, and the share attributed to him in the transaction. As I was thus compelled to speak of the prisoner while awaiting his trial in his absence, I feel it due to myself, and fair to him, to take this opportunity of expressing my regret to you in his presence, that that course was necessary; but your own recollections of the other trial and the evidence which I shall bring bring before you in this trial will show you that no other course was open to me.

C. F. J. Daniell,
Lieutenant Colonel, 28th Regiment,
Prosecutor.

Kingston, Jamaica, 11 Dec. 1866.

R. T. Farren, Colonel,
President of the Court Martial.

Kingston, 11 Dec. 1866.

Appendix (B).

(B.)

The Laws of Jamaica.

Anno Regni Vicesimo Nono Victoriæ.

Cap. I.

An Act to indemnify the Governor, and all other Officers and Persons concerned in Suppressing the late Rebellion in this Island.

Preamble.

Whereas, being seduced by the insidious counsel of wickedly designing persons, many of the Queen's subjects in this island conspired by force to overthrow the constitution and government here established by law; and, in furtherance of such their purpose, did, with force, and in confederated multitude, commit, on the eleventh day of October, in this present year of our Lord, one thousand eight hundred and sixty-five, and on divers other days then following, in the parish of Saint Thomas-in-the-East, many burglaries, robberies, arsons, murders, and other felonies, with treasonous purpose, in renunciation of their natural allegiance, and to the intent of the general massacre of all loyal and well-disposed subjects of the Queen here dwelling: And whereas upon being informed of such the aforesaid atrocities, his Excellency Edward John Eyre, esquire, the Governor of this island, with the advice of a council of war, and in order to prevent the extension of the said rebellious outbreak, did proclaim that martial law should obtain and prevail throughout the county of Surry, with the exception only of the city and parish of Kingston: And whereas, under God's providence, the military and naval forces of the Queen, with the loyal co-operation of others Her Majesty's faithful subjects in this island, have arrested the spread of this rebellion, and saved the lives of law-abiding citizens, from imminent general sacrifice: And whereas military, naval, or civil authorities, necessarily employed in the prompt suppression of the atrocities aforesaid, may, according to the law of ordinary peace, be responsible in person or purse for acts done in good faith, for the purpose of restoring public peace, and quelling the rebellion aforesaid: And whereas, it is expedient that all persons whosoever, in good faith, and of loyal resolve, have acted for the crushing of this rebellious outbreak, should be indemnified and kept harmless for such their acts of loyalty: Be it therefore, and it hereby is enacted by the governor, legislative council, and assembly of this island,

Personal actions, indictments, prosecutions, &c. against civil or other officers, and persons acting under orders, from promulgation of martial law, made void, and such persons indemnified.

First.—That all personal actions and suits, indictments, informations, attachments, prosecutions, and proceedings, present or future whatsoever, against such authorities or officers, civil, military, or naval, or other persons acting as last aforesaid, for or by reason of any matter or thing commanded, ordered, directed, or done since the promulgation and publication of the proclamation of martial law aforesaid, whether done in any district in which martial law was proclaimed, or in any district in which martial law was not proclaimed, in furtherance of martial law; that is to say, on, from, and after the thirteenth day of October last past, and during the continuance of such martial law, in order to suppress the said insurrection and rebellion, and for the preservation of the public peace throughout the island, shall be discharged and made void; and that every person, by whom such act, matter, or thing shall have been advised, commanded, ordered, directed, or done for the purposes aforesaid, on, from, and since the said thirteenth day of October, and during the existence of such martial law, shall be freed, acquitted, discharged, and indemnified, as well against the Queen's Most Gracious Majesty, her heirs and successors, as against all and every persons and person whomsoever.

The governor and all other persons also indemnified for all acts done in order to put an end to said rebellion, which acts are declared lawful.

Second.—And it is hereby also enacted, That his Excellency, Edward John Eyre, esquire, captain general and governor in chief, and all officers and other persons who have acted under his authority, or have acted *bonâ fide* for the purposes, and during the time aforesaid, whether such acts were done in any district in which martial law was proclaimed, or in any district in which martial law was not proclaimed, are hereby indemnified in respect of all acts, matters, and things done in order to put an end to the said rebellion; and all such acts so done are hereby made and declared to be lawful, and are confirmed.

To remove doubts as to legality of acts done, governor to declare them done by authority, &c.

Third.—In order to prevent any doubt which might arise, whether any act alleged to have been done under the authority of the governor, or to have been done *bonâ fide* in order to suppress and put an end to the said rebellion, was so done, it shall be lawful for the governor for the time being, to declare such acts to have been done under such authority, or *bonâ fide* for the purposes aforesaid; and such declaration, by any writing under the hand of the governor for the time being, shall, in all cases, be conclusive evidence that such acts were so done respectively.

(C.) Appendix (C).

PERMISSION to Bury a Dead Body.

THE bearer, Stephen Johnson, has permission to bury a dead body at Grange Hill.

L. B. Hole, Captain,
Commander.

Manchioneal,
18 October 1865.

(D.) Appendix (D).

HANDWRITING of *Stephen Grant.*

(E.) Appendix (E).

3RD WEST INDIA REGIMENT.

OFFICERS on the SICK REPORT.—Jamaica, 19th December 1866.

Rank.	Names.	Disease.	Admitted.	Discharged.	Remarks.
Staff A. Surgeon	H. Morris -	Fever - -	19 Dec. 1866.	—	—

W. Marley, Major and Lieut. Col.,
Commanding 3rd W. I. Regiment.

(F.) Appendix (F).

MEDICAL REPORT as to Illness of Staff Assistant Surgeon *Morris.*

Up Park Camp, Jamaica,
19 December 1866.

I CERTIFY that Staff Assistant Surgeon Henry Morris is at present suffering from fever, and unable to attend the sittings of the General Court Martial at Kingston Barracks.

John Dunlop, Staff Surgeon.

Received 11.45 a.m., after Court had adjourned. *H. M.*

(G.) Appendix (G).

MEDICAL REPORT as to Illness of Staff Assistant Surgeon *Morris.*

Up Park Camp, Jamaica,
19 December 1866.

Sir,

WITH reference to the memorandum about Staff Assistant Surgeon Morris, I have the honour to inform you that in my opinion that officer will not be able to attend the General Court Martial before Monday, the 24th December 1866.

I have, &c.
John Dunlop, Staff Surgeon.

Lieut. Colonel Harley,
Commanding 3rd W. I. Regiment.

Appendix (H).

(H.)

Opening Address.—Prisoner's Defence.

Mr. President and other Honourable Gentlemen of this General Court Martial,

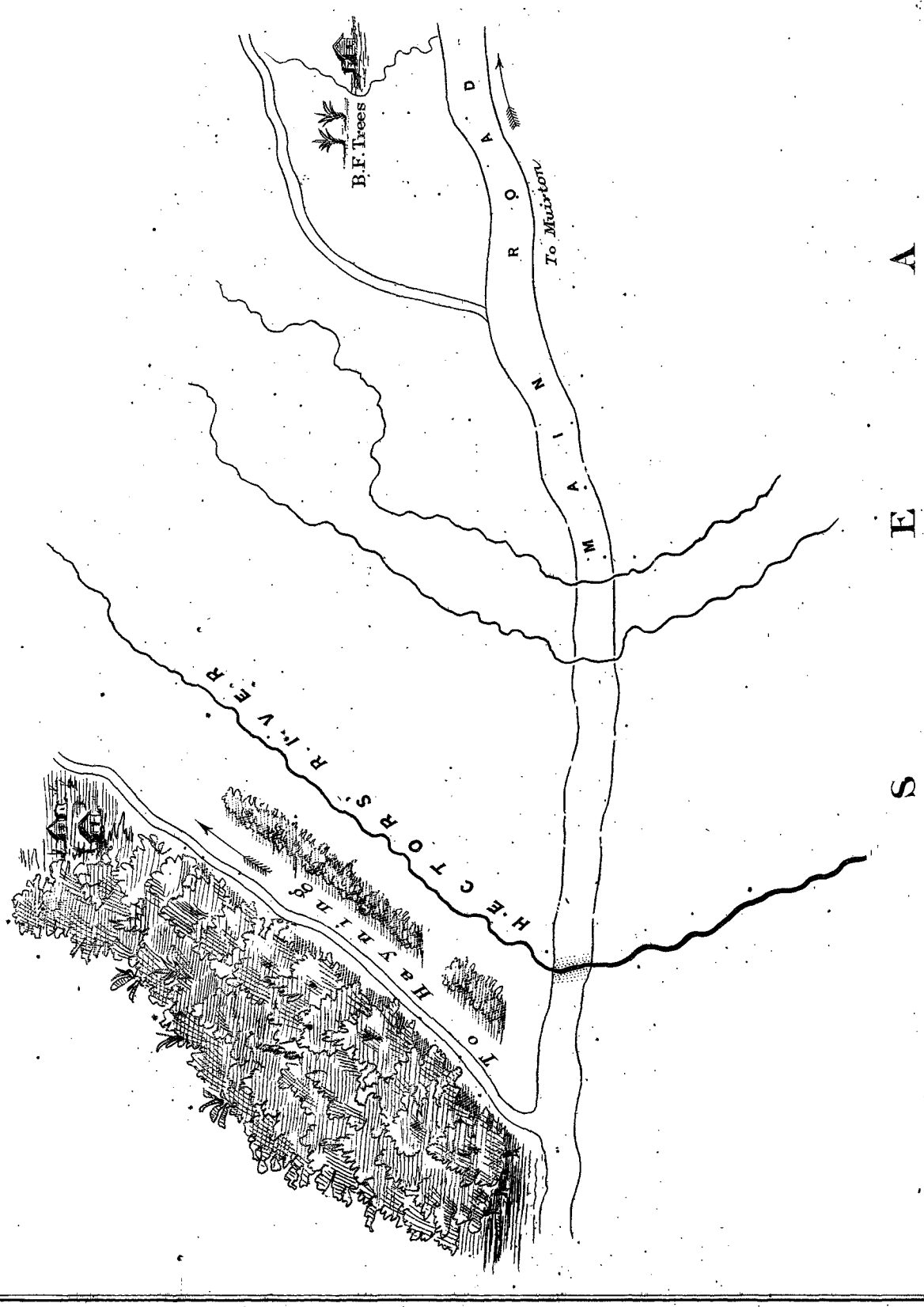
The extreme patience with which you have been obliged to listen to—perhaps to be shocked at—the testimony for the prosecution against me, has, under the advice of others and according to my own wish, induced me to refrain from now at any length commenting upon the statements already made by the several witnesses, or from now riddling (as I will by and by) that evidence to which even the prosecutor, "Col. Daniell," under the highest professional authority, was forced to apply, in a certain view, the term "devilish!" And I take this course, the rather that the evidence in defence, and the address of Ensign Cullen upon one of these charges, has (I believe in the minds of unbiassed men, and I would fain confidently trust in yours also) so completely exposed the characters and the motives of the witnesses for the prosecution; their glaring contradictions, their extraordinary facilities of invention, their utter want of reliability on oath, and their recklessness of truth (either from ignorance, or delusion, or persuasion), as to warrant me in relying to a great extent upon the arduous and painful experience which you yourselves (no less than the Royal Commissioners, at last, with others in the Colony) have now gained for the vital object of enabling you to arrive at a right understanding and appreciation of such testimony. Allow me, Mr. President and honourable gentlemen (in consequence of a recent pardonable mistake of Colonel Daniell), here to remark, that if the prosecutor had, before he at all addressed you, referred to the records of the Colony or to official documents of the several branches of the Legislature, or even had made proper inquiries as to the state of certain so-called religious associations in Jamaica (those which in England most ignorantly and lamentably pass for such), he might readily have understood, or he might even now comprehend, that (in Jamaica at least) to denounce sanctimonious, hypocritical, and designing pretenders to and traders in religion, is not to sneer at religious faith; and he might have learned, too, how often religious faith has been grossly perverted in this Colony to the basest uses, political and parochial, uses damaging not only to individuals but disastrous to the State, and he then might understand how fearfully (in the absence of any force of public opinion, or of moral influence amongst different classes of colonial society, to any proper, legitimate, and necessary extent) such men as the poor ill-treated men with whom he has been led to sympathise;—such men as Manning and Anderson—Manning the charged and flying rebel, Anderson the flogged rebel and pretender to revelation—men as fanatic and desperate as they are shrewd and wily, can (goaded on by a spirit of pretentious religious fanaticism, fancied wrong, and keen revenge) impose upon and prevail over the minds of the lower orders of people; uneducated indeed, yet facile and cunning, and of one —— Brooks, for what may now be surely not untruly termed a "devilish" traffic and perversion of dates, and persons, and facts, to carry out a diabolical end by means, plausible forsooth, yet most unreal and devilish.

You, Mr. President and gentlemen, truly may not altogether thereby understand how such a man as Brooks could give way to such a person as Manning; but when I prove to your utmost satisfaction (as I think I shall) that that same man Brooks, a discharged bookkeeper from several estates, a man of slothful and most cowardly character, during martial law never quitted Golden Grove on that Sunday, the 22nd October 1865; never took or received any prisoners on that day; never on the morning of that day saw the Holland Bayroad or Manning; was ill in bed that day; was obliged to be provided with medical attendance and a nurse that day, at the kind and charitable instance of his overseer, Mr. Chisholm; and thereafter, too, was in a helpless state, almost unable to move, from about mid-day on the 21st October, Saturday, to the next Monday or Tuesday, or until his discharge from Golden Grove. And when I show you, moreover, that this man's own written memoranda of occurrences (in which he may be supposed to have participated), and which he would have recorded, and also have bragged and boasted of (which indeed he never did, even to his dearest and nearest relative), confirm the truthfulness of such my assertions. Yes, when I say I show all this, what opinion too damning can you, ought you not, Mr. President and honourable gentlemen—aye and ought not, and will not every honourable man, in or out of this Colony—form of Brooks and Manning, and others, and of their combination on this fearful trial to strengthen and to support the conspiracy already so flagrantly manifested before this high tribunal in Ensign Cullen's case? Can you not then, Mr. President and honourable gentlemen, conceive that, though such influences and motives cannot be clearly proved on oath by direct evidence, and although you cannot dive into men's hearts or minds, and lay them ragged, and naked, and bare, yet, nevertheless, conclude that those motives and influences really must and do exist, and (alas! for human nature) for so devilish a purpose as ever made horrible the records of courts of justice, and held out itself before a civilized world as a beacon to those whose sad and stern duty it is to decide in a criminal court upon the life long happiness, and fate, if not still, of a brother officer (degraded by calumnies, by lies, and by the perversion of facts), yet, after all, of a fellow creature yet innocent! Merciful and just God! what man's character or life is safe, if (which Heaven forbid) this Honourable Court should be overborne by such wretched testimony, as abominable as wretched, pitiable only for its own frightful enormity.

Mr. President and Honourable Gentlemen, in reference to the other charge against me, I find it almost only requisite to refer to the grave doubts and contradictions most fairly mentioned by the prosecutor himself, regarding the witnesses for the prosecution. You must indeed have, yourselves, already carefully noted the wide differences (not mere discretionary

(K.)

ROUGH EYE SKETCH OF GRANGE HILL.



pancies) in the evidence of these witnesses regarding distances, persons, times, means, and orders given, and actual occurrences, on the self same occasion; and you yourselves, perhaps, may have readily concluded that such witnesses could not have been speaking to what they themselves actually saw or heard, as events transpiring, or even as to the persons alleged to be then and there present, and concerned in this charge of shooting William Gray. Appendix (H).

Mr. President, and Honourable Gentlemen, you will on the whole be satisfied that, whatever doubts may exist as to the deaths of the men in question, none can reasonably prevail respecting the falsehood of the charges against me. Of Ensign Cullen's innocence, I pledge all of present or future that I can; that he has not been victimised may I not here express a solemn and sacred hope and conviction. For myself I may say, that when, Mr. President and Gentlemen, there have been heard and considered the evidence on my behalf, and the address which I shall be allowed at its close, I feel trustfully certain that the finding of this court martial will not trench upon the honour of the service, and yet will leave me without the stigma of having brought disgrace upon that medical and military profession to which it has hitherto been my pride, as I hope it hereafter will be my honour, to belong. These accusations are now to be far more fully investigated, and more truthfully brought to light, as scrutinized by you on an enlarged experience; of your patient forbearance, I am assured; of your dispassionate and satisfactory finding I rest convinced.

Henry Morris,
Staff Assistant Surgeon.

(I.)

Appendix (I).

MEMORANDUM respecting Distances at Iron Bridge and Grange Hill.

20 paces from 2nd post to road front of bridge.
69 paces from this point to bamboo rail.
9 paces across road from bamboo rail.
296 paces from the road opposite bridge to Grange Tree on the Holland Bay-road past bamboo rail.
From logwood fence now six feet, cut down six feet, 12 feet altogether.
From turning road or track up to Grange Hill, where bread-fruit trees are, to Muirton 1¼ mile; from this turning to Hayning-road ¾ mile.
385 paces from bread-fruit trees to road by the same track.
7 paces between bread-fruit tree.
58 paces to old building and little stream.
56 paces from old building to house at Grange Hill.
159 paces from house to place where B. G. said to be buried.
Road to Hayning further from Muirton than the road to Grange Hill.

(K.)

Appendix (K).

ROUGH EYE SKETCH of GRANGE HILL.—*See Drawing opposite.*

(L.)

Appendix (L).

EXTRACT from LETTS' DIARY, 1844.

Shot—
4 at Winchester.
3 by me at G. G.
1 hanged at Port Morant.
4 ,, Morant Bay.
30 shot at Port Antonio.
Riot commenced, Thursday, 12th October 1865.
In the woods 5 days, no food; came to Morant Bay, 17th Octr. Mr. Dunn died same day, after being in the Bay 2 hours, came along with me in boat, 3 hanged at M. Bay on Wed., 18th Octr.

January [1st Month] 1. Monday [1–365], 1844

Circumcision.
Came to Morant Bay on the 17th Octr., Tuesday. Mr. Alx. Dunn died same day, he was well, spoke sensibly, and died two hours afterwards, buried him next

—2. Tuesday [2–364]—
day Wed.; Riots commenced on Wednesday, 11th Octr. 65, slept in the bushes five nights and days, made prisoner twice, two shots fired at me, one took effect thro' my hat; gun boat arrived at Morant Bay

—3. Wednesday [3–363]—
left Morant Bay at 5 o'clock on the 21st of October 1865, got to G. G. at about 3 o'ck., p.m.

C. A. Brooks.

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1844	4. Thursday [4-362]	1st Month January.		
	Thomas Johnson, shopkeeper. —5. Friday [5-361]— Div. due at the Bank, So. Sea and India Ho. payable about Wed. next. ○ 5h. 34m. p. m. —6. Saturday [6-360]— Epiphany. Bill Brown convicted for murder of C. Henry.			

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THE CLOSING ADDRESS of Staff Assistant Surgeon *H. Morris*, as prepared by the Professional Friend, allowed by the Court.

Mr. President and Gentlemen of this Honourable Court,

WITH feelings of the most unfeigned thankfulness for your patience and attention during a trial, which to you has caused very great inconvenience, and to me much deeper mental solicitude than I have been able to undergo, I at once proceed with my closing address on these most momentous issues.

Let me here, in taking a review of the evidence on the first charge, "That of having wantonly shot to death William Gray on the 18th of October 1865," again remind you of the grave doubts which the prosecutor, in his opening speech, cast upon this charge.

Now, it is evident that this accusation points to but one particular day, and that day, Wednesday, the 18th October 1865, to but one particularly remarkable spot, and that spot at, or adjacent to, two bread fruit trees of curious proximity (seven paces), on an old abandoned road, or track, leading apparently from Muirton, just on this side of the Manchioneal Road, out of the present main post-road from Muirton, towards Quaa Hill, up and over the brow of a village called Grange Hill, and circuitously down again to the main post-road, at a point on the main road about one and-a-half miles from Muirton, Grange Hill itself being bounded on the south by that main post-road, and the sea, in almost a straight line. It is charged too that a revolver, then said to be in my possession, formed a most important feature, at this particular spot, at the time of the shooting of William Gray; it is charged too that the sight of a list at Muirton, with the name Billy Gray on it prior to, or on, the 18th October 1865, became the subject of discussion at the time at this spot; and that this act was perpetrated by me, or my orders, in the presence there at that time of seven witnesses for the prosecution, and moreover that it took place in the presence of Ensign Cullen and Corporal Hunter at that spot, on this track or road.

But how do the seven witnesses verify these several points? Do they not most materially differ from each other in their account, as anticipated by Colonel Daniell? Let me then crave your close attention to some analysis of the evidence on these points.

First.—As to time:—

John Hamilton gives neither date nor week, but on "Wednesday."
John Steele gives only "a Wednesday in October."
Elizabeth Curate only "Wednesday in October."
John Curate states no day, or month, or year.
W. Bourke, who lived at Scott's Run (on another road altogether), certainly swears to the "18th October, a Wednesday."
Ellen Gray says it happened in "October," but did not know the year.
Robert Deacon speaks only of "October last year," but gives no date or day of the week.

The Court will remember that the detachment arrived at Muirton only on the 15th or 16th with me, and left on the 21st, with me in company, for Golden Grove, where I remained for eight or nine days; clear proof, therefore, of the precise date is surely of the most vital importance for the maintenance of this cruel prosecution. Suppose that these persons, or, some of them, were really speaking of some other Wednesday than the 18th, I certainly could not have been at Grange Hill then.

Second.—As to the presence of these seven witnesses at the time and place:—

John Hamilton swears that no one else but himself, John Deacon, and Robert Taylor were present.

John

John Steele swears that none but he, Deacon, Burke, Mrs. Curate and her son, were present.

Mrs. Curate swears that none but she, her son, and Ellen Gray were present.

W. Burke swears to the presence of none but himself.

Ellen Gray swears exactly of the same persons only, as Mrs. Curate.

Robert Deacon swears to none but himself, and perhaps John Hamilton.

Suppose it to be that these several witnesses are speaking of different dates, what becomes of the worth of their supposed corroborative evidence?

Third.—As to the officers present at the time and place:—

John Hamilton speaks only of "Dr. Morris being there"; he cannot, however, identify me now, how much less so then! He does not venture to swear to the presence of Ensign Cullen or Corporal Hunter. If I were really known then at all, surely Ensign Cullen, and Corporal Hunter, a native of the parish, would have been.

There cannot be a doubt that my name, in St. Thomas-in-the-East, was of common report everywhere amongst all people.

John Steele speaks of Dr. Morris, but nothing of Ensign Cullen; and he says too, that there were plenty of white and black soldiers present.

Ellen Curate speaks only of white men, but neither of any doctor, nor of Ensign Cullen, nor of a corporal. In the first part of her evidence she said she did not see the white man do anything before Billy Gray was shot; she cannot, however, identify me as the doctor.

John Curate speaks only of one white man, but not of Ensign Cullen, nor of any doctor, to his own knowledge; nor does he now identify me.

W. Burke alone swears to Ensign Cullen, and to myself, as being both present; if he was wrong as to Ensign Cullen may he not easily be mistaken as to me.

It is to be observed that he saw me at Scott's Run that same day; was it not there alone that he saw me?

Ellen Gray swears nothing about any doctor or officer; she said she did not know an officer from a soldier, but that there were plenty of white soldiers.

Robert Deacon says nothing of Ensign Cullen, or any other white officer (a remarkable contradiction in his evidence will be presently noticed); he certainly speaks of me, but then it must be remembered that he saw me that same day at Hayning; it may be that it was on the Hayning Road alone that he saw me.

Neither Stephen Grant or Robert Caine pretends to have seen any officers or soldiers on the Grange Hill track at all, though both of them were there in the morning, and actually saw a person, described as Billy Gray, alive that same morning; Caine too says, that black soldiers alone were plundering at Grange Hill on Monday and Tuesday, the 16th and 17th of October 1865.

Fourth.—As to the number of times that this revolver was said to have been pointed by me:—

John Hamilton says five times, and also three times.

John Steele, John Curate, Robert Burke, and Robert Deacon say five times.

Elizabeth Curate says two.

Ellen Gray says three.

Does not too the pretended extraordinary operation of pointing this broken revolver five successive times (the notion of which was asked by Mr. Scoltock, and positively by him denied), at this place at about 8 a.m. on the 18th, evince of itself a gross absurdity in the evidence of this concocted tale; even supposing my revolver had been taken out with me in its then condition. This absurdity indeed, is only surpassed by the evidence of one of the same witnesses, who swore the revolver would not go off, that I took fresh powder and caps and put them in a revolver, which, as the Court must know, was used with neither powder or ball, separately, as in ordinary pistols, but with cartridge.

Such evidence may well open the mind of the Court to the loose lying tales that were scattered over the country, from the very time of the first rumour of the Royal Commission with regard to the military.

As to the weapon, with which Billy Gray is alleged to have been shot, the Court will remember that John Hamilton swore that Billy Gray was actually shot at and killed by me with this revolver, and not by any rifle, while the other witnesses swear that the shooting was by a private soldier (a yellow-skin man, as he is described by four or five witnesses).

Deacon too at one time pretended, if not before the Royal Commissioners, at any rate to the prosecutor, that I, myself, shot the man, with a rifle taken from a white soldier; and, again, that the white soldier alone shot Billy Gray.

Again, as to the story about the list, which is not attempted to be produced, or shown to have come to my knowledge,—

John Hamilton and William Burke swear that it was Deacon, not any corporal, who mentioned Billy Gray's name as being on any list or receipt.

Deacon swears it was somebody else, and not he.

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As to the wounds on the body; the Court will itself have noticed that the wounds said to have been on the dead body, alleged to be that of Billy Gray (said to be found about 4 p.m. and buried the 19th), do not altogether agree with those wounds which, as it is said, were seen to have been inflicted on some body about eight o'clock a.m. on the 18th.

As to the burial; the Court will remember that for a long time during the examination of the witnesses there was a conflict of evidence between Grant and Caine, as to the day of the burial of this same alleged body.

As to the certificate, it really proves nothing. It may be remarked that there does not in the certificate appear any time when the person stated by somebody, not Captain Hole, to be dead, was killed, nor yet does the name of any person for this dead body appear. The evidence of Captain Hole, and the most reasonable probabilities of the case, surely throw doubt whether that paper was not really given to Stephen Johnson only, and not to Stephen Grant. Captain Hole swears he believes it was really given to the man whose name it bears, not Stephen Grant, and he gives sufficient reasons.

As to the particular road taken (an old road, now a track), up which the detachment of 50 men are said to have come on the 18th October, at about 8 a.m., just after leaving the Manchioneal River—

John Hamilton does not pretend to give any information whatever.

John Steele says, "We came from Muirton to Deeling, and after coming back from Deeling we came to Grange Hill."

He himself had been taken prisoner with Harris, on the Monday, and conveyed to Muirton. Is it not singular that this man, who does not appear to have been the guide, should have followed the detachment from Muirton; he assigns no plausible reason or order for his so doing; if he was at the rear could he have possibly seen the spot he describes, or the circumstances he swears to?

Elizabeth Curate, John Curate, and Ellen Gray do not profess to say, nor indeed could they say, that they saw whence and by what road the detachment came.

William Burke professes only to say he saw the soldiers coming from Deeling as he was going from Scott's Run to Grange Hill, on his way to Muirton, to get a protection paper; the knowledge which the Court may have of the locality will tend to throw doubts on this statement. If he was at the Grange Hill track, towards the Hayning side, surely he could not have seen up or down the Deeling Road, on the other side of the two bread fruit trees. Is it at all improbable that he is confusing some other day when soldiers did go to Deeling with the day in question. He states that he returned back with the soldiers to Scott's Run, and they left him there; and yet his special object was to go to Muirton that day, in the morning, so as to get a paper for protection from these very soldiers. No reason or order is put forward for this alteration of his desire to get an order for protection from Captain Hole, after too he had only left about a mile to complete his journey from Scott's Run to Muirton on that day.

Robert Deacon certainly says that he started from Muirton, and came on by this road or track, but the Court will, in dealing with this piece of evidence, contrast it with the other glaring contradictions in evidence of this same witness, and his evidence, as compared with the other witnesses for the prosecution, as noticed even by Colonel Daniell.

Stephen Grant and Robert Caine are of course unable to give any information as to this old road or track, on the 18th, and as to the course taken by the detachment.

It is remarkable that not a single witness attempts to tell of the road on Grange Hill, which they say the soldiers took after this alleged shooting. When it is remembered that the present main post-road bounds Grange Hill, is it not probable that, though they did see soldiers, they only saw them at the foot of the hill on that road.

There was no cross-road from Deeling or Grange Hill to Hayning, or Scott's Run, or Jericho; no negro ground track (and there are those concerned for the prosecution who know the fact), could possibly suffice for a body of troops; such a track would only be to the provision field itself. Why should they have moved off the main road at all and taken an old abandoned track, of which they knew nothing at all, with a broad open road before them? In all reasonable probability they must have taken the main road, the best road to Hayning the whole way, and the quickest for their supposed object at Friendship, where they even then thought they were going.

It is also remarkable that there is no evidence whatever of anything else having been done at all, to houses or persons, on the track whereby it rejoins the main road in coming down from the bread fruit trees.

Of these witnesses it is observable that only Hamilton and Deacon were called before the Royal Commissioners; the cases of Alfred Brooks and Manning, and others, may afford some example of the facility with which, in this unfortunate colony, evidence can be strangely forthcoming, at the last moment, upon charges of this kind, for a prosecution which the lower orders think is for the Queen herself, when they get, as they say, the Queen's paper (summons), and money from the Queen's officer, Colonel Daniell.

I cannot avoid pressing attention to the fact, though it is pretended that though Stephen Grant got a certificate for the burial of this very body lying at Grange Hill, though relatives and friends are said to have dressed the body, and were said to have been actually present at the very identical spot at which the person named Billy Gray is alleged to have been buried on Grange Hill (and that spot is said to be well known by living witnesses), there has

has not been in this case, as in the case of the three dead men, of Manning and Brooks notoriety, any evidence of any effort whatever to examine the grave, or exhume the body, or investigate the appearances, which the bones (if any were really to be found existing), presented, as to any one single mark of injury! Considering the recent stupendous anxiety to set the doctors by the ears, to rake up old dry bones as for men (even now rumoured to be alive), how comes there to be no proof of effort to obtain, from any single witness in this case, even a sight of the bones of Billy Gray; or is it that, though that effort has been made, it has been fruitless and vain; or was it indeed that the evidence of Manning and others was so untrustworthy that other evidence, even as of voices from the dead, were to be invoked in all their truth and eloquence for some corroboration? Alas! for the promoters of this prosecution before the Royal Commissioners, there was no old graveyard about Grange Hill. If it was deemed necessary to find bones for M'Caul, for Watson, and for Miles, how strange indeed, is it not, that in the teeth of the prosecutor's admissions on this charge, no bones are produced as for Billy Gray?

Pray allow me even here to remark, if the evidence of Deacon and others is to be believed, in respect of the receipt and list, is there not proof, furnished by the prosecutor himself, that Billy Gray was *bonâ fide* believed, by some person or other, to be a rebel, and that he lamentably, though not wantonly, met his death, if he be dead, in consequence of that character, so reported to Captain Hole? The formalites of courts of justice, or of courts martial, are not required in times of war.

Even upon the case then for the prosecution, may you not yourselves, Mr. President and Gentlemen, with all its conflicting evidence, well consider that the doubts, so fairly expressed by the prosecutor himself, may in the due administration of criminal justice be reasonably entertained by you. In criminal courts there is not, as in civil tribunals, any balancing of testimony; all is thrown against the Crown and in favour of the prisoner.

I will now, with your permission, proceed to comment upon the evidence in defence, and upon the various points which arise for your solemn investigation. They seem to be mainly these:—

1st. Did the troops on that day (18th October 1865), go to Grange Hill?

2nd. Had I any revolver that day with me at all?

3rd. Did any of the soldiers, by my orders, shoot Billy Gray that day?

As to the first ground,—

Captain Hole states, that on the same 18th October he sent out troops under Ensign Cullen with me, myself, in medical charge (and that at a time too when there was no reason or motive to conceal the killing of any supposed rebel, or other person of the lower orders, or the burning of any house); on his return with me and the troops, at about 4 p.m. that same day, he (Ensign Cullen), reported to Captain Hole where he had gone, and that that was to Hayning and Jericho, and by way of Scott's Run (places which Mr. Scoltock has described), and that he, Captain Hole, on the 19th repeated accordingly; that despatch is accessible to the Court, if not at head quarters, certainly from the Blue Book. Not a word was mentioned of Grange Hill as forming a portion of the line of march. It must be remembered that the troops were that day on a special excursion to a place some way off Muirton, against entrenched rebels. Ensign Cullen would not be likely to dally elsewhere for other very minor purposes. Says Captain Hole, "I received no report (that day, or any other) of any troops going to Grange Hill or Deeling; I never heard of Deeling; volunteers were out that day; two or three men (not Ensign Cullen or myself) went to Grange Hill without any orders."

Corporal Hunter, who knew the country well, who has again been on the very spot, and on that very track, to and down from the bread fruit trees (one against whom no charge rests in this case), swears to this effect:—

"I have never been to Grange Hill before that day I went with Mr. Williams and Ensign Cullen (*i. e.*, 31st December 1866). I never was on that track (the old abandoned road) before, or near the two bread fruit trees, with Dr. Morris and Ensign Cullen. When I went to them lately, was the first time I had ever been there. I was senior corporal on that march with Ensign Cullen; I came back by the same road I went up to Hayning. I know of no other way or track to Muirton, except the way I went, and then by the main road.

"I was only out one march; I returned the same day; that was the day I went to Hayning."

Lewis O'Connor, a serjeant, against whom there is no charge, swears that, on the 18th October 1865, the whole detachment went from Muirton to Hayning. He says, "We took the main road; did not pass through any property; we got on the main road immediately, as they left Muirton; we went on the main road up to Hayning;" he does not know a place called Grange Hill nor Deeling; he says, "that the troops left Muirton between 6 and 7 a.m., and returned about 4 p.m.;" did nothing beyond marching to Hayning, and back to Muirton, during all the intermediate time that he was a full corporal when at Muirton."

John Doolan, private, 2nd, 6th Royals, says, in effect, "I was at Muirton the 18th October 1865; on that morning a party were started at day-break; Dr. Morris was with them; they went down on the main road; Serjeant Webster and I, and others, turned to Grange Hill

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that same day; we asked for Grange Hill; Serjeant Webster and party of the men asked if any black soldiers had been there; we returned to Muirton the afternoon before Ensign Cullen came."

Thomas Gardner, private, 2nd, 6th Royals, was also with John Doolan, and states to the same effect as to Grange Hill that day, after Ensign Cullen's party started, and before it returned; also as to the absence from Grange Hill, that day, of black troops; he states that they left for Grange Hill at half-past 9 o'clock a.m., and returned about half-past 3 p.m.

Fielding Wolstenholme, Company Serjeant Major, 1st West India Regiment, swears, that he, on the 18th October 1865, was Serjeant Major, and went out that day with Ensign Cullen, and me, and the party; on leaving Muirton they took the main road, and then turned to the right to go to Hayning; that the men never left the main road until they turned to Hayning; that they took no short cut, or any other pathway; that the whole of the detachment kept together; that he was with me all the time, very close to me; went to no other place besides Hayning and Jericho; that he knows of no other place, and never heard the name of Grange Hill before.

Jasper Webster, Colour Serjeant, 2nd, 6th Royals: the colour serjeant on this same point corroborates the testimony of the soldiers who went to Grange Hill on the 18th, about half-past 9 a.m., and returned to Muirton about half-past 3 p.m.

Ensign Cullen, who it will be remembered was mentioned only by one Crown witness, and whose high honour and character have been, I trust, nobly vindicated, who dared to expose himself to public calumny, and scorn and ruin, and to risk himself, almost to the brink of the grave, rather than tell a lie upon his oath, here stated that he was with me the whole time on that march on the 18th; that to the best of his knowledge and belief he never was on that Grange Hill track in his life till recently, on the 31st December 1866, on a special object; that he never lost sight of me that day; that we marched from Muirton to the turning to Hayning; that he never left the main road at all; that he did not then know the name of Grange Hill; that his men did not straggle; that they kept pretty well together on the march on the 18th October 1865; that he went out about 8 a.m. and returned about half-past 4 p.m. to Muirton.

What he repeated on his return, at the very time when neither he or I ever expected to pass through this terrible ordeal, Captain Hole has sworn to and officially acted upon.

As to the second ground,—

Ensign Cullen says, "I am aware Dr. Morris's revolver was sent to England for repairs. I recollect his revolver lying in two pieces, from the day he arrived at Muirton; the pin was lost; he had no revolver in his possession on the march on the 18th October 1865.

John Edge, (2nd, 6th Royals), a non-commissioned officer, states that on the 16th October 1865, on going to Betty's Hope with me, a few men were ordered to dismount and look for my revolver pin and chambers; that he, with others, dismounted and searched; that the chambers were picked up and handed to me; that they could not find the pin, and came to Muirton without doing so; that he was present when I left Muirton on the 18th October, with Ensign Cullen and others, and that I then had no revolver with me; that he was present when I returned to Muirton in the evening, and that I then had no revolver; that the revolver was lying on the window at Muirton House during my absence that day, the room being used as a court-martial room.

John Handley (2nd, 6th Royals), corporal, states to the same fact as John Edge; he actually took the revolver in his hands that day from the same window, which was about five yards from the guard room; he states that it was rusty, that it was deficient of the breech pin. This witness also states that Ensign Cullen did not take out a revolver with him, that there was none in his possession, and that no one else of that party took one that day.

John Doolan states thus, "He employed me to clean his revolver at Muirton; on the same 18th October he went away to do so, but found he could not do so, as it was too rusty, and he had no oil; it was impossible to clean it; he left it in the room, in the same place, in two pieces."

He also states that he saw me that day, when I returned to Muirton, and that I had only my sword there.

Thomas Gardner states, that on this same 18th October he went into the room at Muirton Barracks, where the revolver was lying; that whenever anyone went to see the time, or to get the daily allowance of spirits served, the revolver could be seen there; that he knew it was my revolver, and that he saw Doolan get hold of it to clean it, and that the room in which the revolver was in was occupied by the officers as a sleeping room at night, and as a court-martial room in the day.

John Roach states, that he knew of the loss of my revolver pin, on the 16th October, on the road to Betty's Hope; that he was one of those who dismounted; that the chambers were picked up, not the pin; that he saw it at Muirton House for several days after, up to the 22nd, in the same room spoken of. He also states that he never saw Ensign Cullen with a revolver; that he saw me leave and return to Muirton that day; that I had only my sword when I started, and when I came back I had nothing else but the sword, no revolver.

Besides, the whole of this evidence is most strongly corroborated by Captain Hole himself, who positively swears that, "on the 18th October, the whole of the Wednesday, that revolver was lying in pieces on the window at Muirton, rendered useless by the loss of the pin,"

pin," and that he was certain that my "revolver was lying on the window the day, the 18th, that I was out with Ensign Cullen and his party."

As to the third ground: in addition to the contradictions and uncertainties of the witnesses for the prosecution, I confidently refer to the clear testimony of the witnesses in defence on this charge.

Corporal Hunter deposes on that march on the 18th, he was with me the whole time, and that no person whatever was shot by any soldier by my orders, or otherwise.

Sergeant Major Wolstenholme swears that on the 18th October he was with Ensign Cullen and with myself, that he did not see any man shot that day, that he was very close to me, and must have seen if I had shot a man that day.

Mr. Scoltock utterly denies to those conducting the prosecution, who no doubt referred to Billy Gray as the "negro," that I ever told him, or said in his presence, "That I had snapped my revolver five times in a negro's face, and he never winked, and that I never said anything of the sort."

If I had said so of Billy Gray, why has not some witness of respectability or of any kind, convenient—Manning or Brooks for instance—been called to swear, as they have already ventured to swear so recklessly? Why was not Mr. Scoltock called as a witness for the prosecution? Why, after sending in his name as a witness against me by the customary notice, was his name suddenly withdrawn? How is it, if I made use of this expression, which would have been of so damnatory a character against me, and would have been greedily laid hold of, was not some person called, like another Brooks, in reply, to prove the foul assertion?

The bowels of the earth have been disgorged! The all-time-hallowed graveyard of the dead has been molested; the remains of men who have gone, perhaps years ago, to that bourne from whence no traveller returns, and whose sacred corpses had been consigned to their lowly grave—and, aye, perhaps a happier home—were desecrated, to condemn me!—and, yes! beyond the base insinuation—can you believe it? can you believe it?—of this dastardly calumny? Oh! not a tittle! not a rag of testimony on oath! Not a Manning or a Brooks is there to be thrust forward to warrant this foul slander, this most wicked lie!

Thus, Mr. President and Gentlemen, it is that these distortions of truth, these lying rumours, these diabolical slanders, ever since martial law ceased—ever since the report that a Royal Commission was to be held—ever since the Royal Commission sat—have been set afloat regarding the conduct of the military; slanders as baseless as they are villainous—villainous as those who, from fancied wrong, from hope of gain, from a yearning to gorge themselves with revenge for the blood of rebels against the Crown, have goaded on these charges, have attempted to support them on oath!—such oaths, indeed!

Hear me! The character of the medical branch of the military service, my own worldly position, my honour, my life, my all, is at stake! With the prosecutor, who applied the term "devilish," may I not heartily concur! Aye! so, indeed, it is; and, indeed, I feel it.

Oh! pardon me, Mr. President and Gentlemen. You and each of you might have understood my feelings, had any of you, for your daring deeds in India, endured such a trial as this. Had officers in the Indian rebellion but done in Jamacia what they did do in India, would not my fate, Cullen's fate, have been theirs, had they then but known of these hours of anguish?

But I pass on to add the name of Ensign Cullen to those who swore that no man was shot by my order at Grange Hill; he tells the Court that this could not have been done without his knowledge, and that no such shooting took place at all; he reported, but could not report any man shot that day. Captain Hole's evidence, and his despatch on the 19th of October, abundantly and strongly corroborate the other witnesses. Had William Gray been shot on that day, can you doubt that it would have been talked of at Muirton, or have been reported by Ensign Cullen on the 18th, and by Captain Hole on the 19th of October 1865?

Thus, Mr. President and Gentlemen, do I humbly submit to your less impassioned and better reason and judgment, that not only is each of these points established in my favour by sure and reliable evidence, but that, thus too, does each branch of this subject tend to strengthen each, and the whole of my three propositions as to this charge of wantonly shooting Billy Gray on Wednesday, the 18th of October 1865, during martial law at Grange Hill.

As a last strong corroboration of the falsity of this charge, may I not also refer you to my own oath before the Royal Commissioners in respect of William Gray? What possible motive had I then—had any one then—if I really had shot William Gray (another case brought up at the last moment) or any other supposed rebel, to conceal the act, much less to stamp my future character with perjury? No attempt was then made to denounce any such act as wanton; no one then feared an investigation such as this.

Mr. President and Gentlemen, you have already most patiently listened to the comments made upon the charge of shooting William Gray; pray forgive me if I occupy your time still more at length in offering observations upon the other charge, not only in my own self-protection, but also for th nonour of the service. Ensign Cullen has so fully anticipated all that could be urged that I fear you will perhaps deem my address on this same charge (to a certain extent on similar evidence of the same witnesses) somewhat tedious. You are, however, now about to arrive at a conclusion of your labours; and, though there may not be such deep sympathy for me as for a young ensign, I nevertheless am assured that there will be equal consideration and justice

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Proceeding somewhat in the same course of analysis, and now and then referring you to evidence, which you must recollect, and of which you have judicial cognizance, I beg leave to call your attention to the dates sworn to, and the means of knowledge of the witnesses for the prosecution.

Peter Phillips (a former witness, who cannot read or write) now swears that the date the prisoners went to, and were shot near the post-office, was the 1st of October, a Saturday, and that he saw their dead bodies on Sunday, the 2nd; his former oath on this point was:

"Prisoners were brought to my house by one of the constables, and I sent them out to the Iron Bridge on the 21st October 1865. I saw them dead on the 22nd October 1865."

No force of reminder could make him now swear to aught else but the 1st and 2nd October.

Cyphus Wills (a former witness, who cannot read or write) swears, in examination in chief, that it was the 21st October 1865, and that he saw the bodies next day; that it was Mr. Sinclair, at Golden Grove, on the 22nd, who told him the dates the men were shot and buried. You have Mr. Sinclair's denial, and his reasons. On this man's former examination, he swore not that Mr. Sinclair, but that Bryan, a witness for the prosecution, told him, but now more than a year ago. His former oath was:

"Has anybody since told you the date was the 21st, when you took the prisoners?"—"Yes, I heard."

"Who told you?"—"I heard one Bryan, the book-keeper, talk; he said it was 21st."

George Colson (a constable, and former witness) says, "Martial law was on the 21st October." The Court knows it began on no such date (the witness has got the date by heart for a purpose). "As to date," says he, "I cannot tell any more; it was, I think, last year, a Saturday, prisoners taken to the post-office. It was October; I do not know about year; it was last year. I do not recollect saying it was a Sunday. I did say it was not Sunday. I do not recollect saying that. I do not know what day it was."

On his former examination:

"Do you remember martial law time?"—"Yes; it was in November."
"Do you remember soldiers coming to the Iron Bridge during martial law?"—"Yes."
"When was that?"—"They came at Sunday."
"Are you sure it was on Sunday?"—"No; it was not Sunday."

Robert Speed, a constable, states "that the date was the 21st October (Saturday)."

This was the witness who, the Court will remember, though a constable, swore that the rebellion broke out on a Saturday; this is the witness, too, who now, for the first time, invokes the notorious Brooks, whose future evidence is thus being quietly introduced. He could remember the 21st, yet when circumstances were fresh in his memory, in Ensign Cullen's case, he utterly forgot all about Brooks on the 22nd, and that extraordinary (*à la* Munchausen) tale.

The credit given to his evidence will somewhat depend on that given to Brooks.

Richard Francis, a former witness (for whom, as he says, a miracle was performed by some special interposition for him, though not for the man to whom alone he was tied), who cannot read or write, says he was taken up in October last; cannot remember the day; it was last year, but it was on a Friday that he was taken to the Iron Bridge by book-keeper and constables; he again repeats, notwithstanding a little gentle reminder, it was a Friday; he also states he made his escape before he got to the cotton tree.

Samuel Bryan (of such notable character with the Honourable Mr. Hosack, Mr. Georges, Mr. Sinclair, and Dight) says it was on the 21st October 1865. This witness swore to the names of the prisoners. He then stated, on the former trial, he did not know the names of the prisoners, having recently come to the parish; he now states he got the names from the papers: "I read the papers; that is how I know the names now." Is that how he knew the date? for certainly Mr. Sinclair never told him. The Court will remember how positively and repeatedly he swore to the day of Anderson being flogged in his presence on the 21st (Saturday) at Golden Grove, on the same day as he says he saw the prisoners shot; then afterwards saying he was told so, he was not present; and then afterwards, on the next day after the Court had adjourned, and after, as he admits, he had seen Manning and Anderson, and others, the evening of the preceding day; and on the morning of the next day, when he came back before you, he asks to amend his evidence, by stating that he had been at Golden Grove on Sunday, 22nd, and then and there seen Anderson flogged. His excuse was the pocket-book. But when was the entry made as of Anderson's name being there stated as flogged on the 22nd (Sunday)? Why that entry is made without any reasonable cause of love or hate for Anderson, or other motive. Why it should have appeared there at all is as wonderful as the disappearance of the leaf from Brooks's pocket-book, which no eye could discover. Bryan's tongue seems as facile as Brooks's. It was this same witness who, the Court will remember, swore that the heads of the three men, when shot, were turned towards the grass piece, and not towards the Holland Bay-road, which the medical evidence proved to be false; yet which Bryan has conveniently modified—now.

This, too, is the same witness who swore that he told of this shooting to Mr. Sinclair on the

the 22nd, who, point blank, denies it. This, too, is the same witness who swore that he told of the shooting to M'Dermott, or that M'Dermott told him so on the 21st or 22nd, when M'Dermott never was there at all. Yet, who, as conveniently as in the case of the flogging of Anderson, now again alters his fictitious tale.

Cecilia Robinson, against whom there was a charge of robbery, and who was arrested and taken before Ensign Cullen—a witness having every motive of revenge against the military, and, as might have been proved, every desire to please her master, Manning—speaks only as of a Saturday in October last year; "about four months ago; it is twelve months ago since."

Abraham Donaldson, another servant of Manning, swears to the 21st October (Saturday); but, then, he is under Manning's control. There is no possible reason assigned for his recollecting that date.

Thomas Clarke swears to a Saturday, but neither to month or year.

Alfred Brooks, whose name will hereafter become by these records as notorious in courts of justice as "Cressia" was in the pages of Shakespeare, will be treated with again by-and-bye.

John Duaney, who describes himself as an illiterate man, who lives at least seven miles off the post-office, is strangely forced to state that he was there when three prisoners were brought; that it was the 21st. It is enough to remember that he, and Manning, and Anderson, were the three who first hinted about this matter before the Commissioners, after the failure at Monklands, and then gave neither dates or names at that early period.

John Anderson, of course, now speaks of the date of the 21st, for he had "a revelation." This man was it appears one of those who, with Manning and others, scattered abroad with fanatical ignorance amongst the lower orders of the population the seeds of rebellion, that grew wide-spread in St. Thomas-in-the-East; one who was flogged as a rebel on 22nd October 1865 by the detachment, in which I was conspicuous as the doctor at Golden Grove.

Eliza Phillips, a former witness, who can neither read or write, speaks only of a Saturday, as to three prisoners coming to the post-office. On this examination she saw nothing done; she never even claimed Hunter as a creole connection.

John Hamilton also speaks of the 21st October 1865, as the day when the prisoners were brought in his presence to the post-office and shot. This is the same individual who was examined in Ensign Cullen's case; yet told then not a word of Brooks, or of 30 prisoners on the 22nd, or of the fate which Brooks held out to others in the supposed presence of the dead bodies of the three men. This is the same witness, too, who never mentioned a word of Brooks, even to those concerned for the prosecution, until the very day before he actually gave his evidence on this occasion, and then only after the Court had adjourned on that day, and not until after Speed and Brooks had been examined, and yet had been for days previously in Kingston. He had been, he says, with Manning and Anderson—aye, and, in all probability, Brooks, whose singularly-remembered evidence had been already given, yet required so much backing up. By what extraordinary chance John Hamilton now appears to have been near the Iron Bridge on the 22nd, or how he came to be at the post-office does not appear.

On the former occasion his plea was a bill for beer, to be rendered fortuitously on an unexpected march from Muirton by a man who does not live near the post-office. This very witness swore as of his own knowledge, on a former occasion, to the names of one or more of the three prisoners. It turned out, as he says, that he was only told of this miles off on the same day at Holland Bay. The credit given to his evidence will somewhat depend on the credit given to Brooks.

Bevis Hunter, who cannot read or write, and who now gives evidence for the first time, speaks only of the 22nd. The credit due to his evidence will depend on the credit given to Brooks. Here, however, is a man who undertakes to swear to the 22nd, and yet cannot tell the day or date that day week before, and who can only tell the 22nd as the day by counting from the beginning of the month, stating that is how he knows. This man, too, was examined after Brooks had given his evidence, and was in Kingston for days together. Has he mistaken the Tuesday for the Sunday? Was that the day that he was out?

Thomas Wedderburn speaks of seeing three dead bodies on a Saturday, and burying them then, at 11 a.m., and that it was on that day that others helped him; apparently the three prisoners, on a Saturday, were alive till after 12 at noon on Saturday.

Harriett Warren, a former witness, who cannot read or write, speaks of October 22nd, but she cannot now remember the month.

She now says she knows the date from remembrance in her head; formerly she said John Wright, her husband, put the date down, and she saw it before she last gave her evidence; and remembered it because she was going to church that day; and there was no church open that day.

Now, John Wright is the man she lives with. On this inquiry, John Wright is not now vouched as her informant, and recorder of dates and events. It was found that he could not read or write. Now, instead of going to church that day, she finds out she did not go to church at all, because there was no service during martial law at all, one clergyman having been brutally murdered, leaving a widow and helpless children, two others having fled for their lives; one of them having lost by savage murder one of his sons by butchery, and the other by gouging out his eyes, as might have been here proved, and as was proved on the general county commission. This is now an historical fact.

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Zachariah Bayley formerly swore only to a Sunday as the day on which the bodies were buried; he somehow now swears to Sunday the 22nd.

Thomas Brown will come under the same category with Alfred Brooks. He too at first, to use his own words, says: "I never mentioned this story at all, nowhere at all, to any one." Again, he says: "I was summoned to come up and give evidence; I do not know who gave in my name as a witness. Possibly Manning or Brooks might tell. What a glorious prospect it would be for him of a guinea a day to witnesses of this description!

William Bartley says, in his own words: "I cannot tell the day of the week" (personal evidence), "but on a Saturday they kill them." (Hearsay: "He never was present, and we bury them on a Sunday.") Yet for a moment before he could not tell the day of the week. (Hearsay, too, perhaps.) He also assigns as a reason for saying it was Sunday, that the people were coming from church at Golden Grove; old Cyphus Wills told me so. If, as Harriett Warren and others on Ensign Cullen's trial swore, and now swear (and the Court may remember) that during martial law there was no service at all, is it at all probable the day spoken of for the burial was the second or other Sunday, or the 22nd, during martial law? The medical evidence may possibly strengthen this argument.

R. Roden Francis comes forward for the first time; he can neither read or write; he cannot remember the day of the month, or the year; he cannot remember what the day of the month, the Sunday, was before the 22nd! poor tool of more designing men!!

James Sproull, who also comes up for the first time, was doing duty from the 16th to the 22nd. If Brooks did not go to Holland Estate on the Sunday from Golden Grove, and return from Holland Estate to Golden Grove that day, then Bevis Hunter, Francis, Hamilton, Bignall Brown, Speed, and Manning (who singularly enough always come in at the end of the tale to give a helping hand) did not witness on this Sunday, near the Iron Bridge, what they now for the first time pretend they did; is not this a devilish conspiracy, mainly carried out by as shameless perversion of dates, persons, and facts, as ever disgraced the records of any tribunal? and I will presently venture to establish this.

George Grant Manning, the former witness, is the last witness for the prosecution. As to the date of the 21st, and prisoners being brought to the post-office that day, and as to the 22nd, of course he brings up the year; he speaks to the 21st, although, as the members of this Court know, he never mentioned that date or any date at all in March or April 1866; no man better knew than this man the absolutely essential importance of this particular date; the keystone of the whole of this prosecution. How easy for him by accident forsooth, or design, as it were, to inoculate this date in the minds of others, whose memories though fugitive in time, and number, and facts, are yet capable of being perverted to the basest and most devilish uses. This is the man who was an intimate associate of a sect of men who have brought as grievous desolation and woe in a particular locality as ever befel a province of India at the instigation of an Hindoo or a Brahmin; this is the man who, with the flogged rebel Anderson, held secret meetings at Stokes Hall, if not elsewhere, inflaming the passions of an excitable and ignorant people, and setting class against class, creed against creed, colour against colour, under the pretence of philanthropy and religion. Is not he one of those to whom some late members of assembly of high rank in that body spoke in those halls and in vice-regal palaces, and in a war council, as one of those demagogues who went about preaching seditious doctrines, and had brought perils and cold-blooded massacres upon the land? He is by his own oath, or by the oath of others, the man whose shop was, in the height of the rebellion, crowded with stock, preserved; he is the man for whom Ensign Cullen and I, with troops, twice searched and attempted to capture and to take before Captain Hole on the warrant of a magistrate; he is the man who, warned by his compatriot Anderson, fled for his life from this young officer and the troops under him, of whom I was one.

This man is far more educated than the rest; poor misguided creatures; his creatures. This man may have thought that his hour of revenge for these with whom he associated and preached at seditious meetings in St. Thomas-in-the-East, and by whose means that hellish crew was let loose, has come. What keener revenge than to glut on the life-long ruin of the officers from whom he fled for his life. And this is the man of so pure a mind, of such peaceful and holy teaching, so spotless a character, of so saintly a life, as that his evidence and his teachings shall be put forward almost as Gospel truth, and that too in direct conflict with the testimony of soldiers, non-commissioned officers, officers, volunteers, and magistrates.

It surely will not be again hazarded that Manning is not a man wily and intelligent enough to get up a conspiracy, especially as to dates, and to delude others with the same belief as himself, people too of the lower orders in life. See what he has done with Alfred Brooks.

Will the Court but remember as to the recollection of witnesses in this class of life (when not tutored as to dates and facts) the passages in Ensign Cullen's address on the Report of the Royal Commissioners; the evidence in William Gray's case; aye, and above all, your own weary protracted experience, and I dare to ask you, Mr. President and gentlemen, whether you, when honour and life are in jeopardy in this criminal court are satisfied, beyond a reasonable doubt, that any such shooting took place on the 21st October 1865. Is it not a remarkable fact that not a single memorandum or voucher, or piece of evidence, has been produced to verify these two dates, or to corroborate the verbal testimony of the witnesses as to these two dates, and any occurrences then. If John Wright had that memorandum, as his mistress, Harriett Warren, swore on Ensign Cullen's trial, and she had

seen

seen it before she gave her evidence, where is it now? If Samuel Bryan really had any pocket-book showing the dates of the 21st and 22nd, which, the other day, he said he referred to so as to correct his mistake about the day of the flogging of Anderson, where is it now? You had produced before you an old musty, moss-grown, piece of paper as a memorandum of the date of the killing and burial of a man (by word of mouth, not in writing, William Gray), older in date than the 21st and 22nd, preserved too, as it is said, for no special object, and that too by people uneducated; and yet neither from Manning, the post-master, nor Anderson, the preacher, nor Duaney, the lighthouse-keeper, nor Samuel Bryan, the book-keeper, nay, nor from the despatches or documents of the day, is there brought forward a jot of evidence to attest the credibility of the story. Such forgeries would have been far too palpable. The attempt to wrench out statements of admission as made by me, how grossly has it not failed?

By the merest God's chance from Brooks alone (and to his confusion and the dismay of his co-conspirators) has a memorandum of the time been forthcoming; but naught there of these supposititious occurrences of the 21st, nor of his fictitious braveries of the 22nd, notwithstanding even his account.

As to the presence of the witnesses at the time of this shooting, their evidence is not very corroborative of each others presence or of their seeing each other, or of those whom they knew to be Ensign Cullen and myself, whom indeed they never saw before.

Peter Phillips speaks only of Bryan, Colson, and Wills, as bringing prisoners on the day he now speaks of; he does not speak of seeing any other witness on the 22nd, of no officer or doctor at all; he does not identify either Ensign Cullen or myself.

Cyphus Wills speaks of Bryan and Cosbee as taking prisoners on the day he alludes to, but does not speak of Ensign Cullen or myself; this time he identifies neither.

George Colson mentions only Bryan and Wills; he speaks of an officer and doctor, but does not identify me.

Robert Speed also mentions Colson and the notorious Brooks as of the next day.

Richard Francis refers only to Bryan and two constables, and nobody else.

Samuel Bryan speaks of a Corporal Beckett, of whom nobody ever heard, as being present on the day in question; he, of course, speaks of Ensign Cullen and myself, and also identifies me, but not a single witness for the prosecution, as being there.

Cecilia Robinson, strange to say, omits any mention whatever of seeing any witness for the prosecution except Bryan on the day prisoners were brought, though she professes to have seen the interment, and that she was present, yet not one of the gravediggers is mentioned.

Abraham G. Donaldson of course speaks of Ensign Cullen and myself, but not of the presence of another witness either on the 21st or 22nd.

Thomas Clarke speaks only of himself, though he says he knew Colson and Bryan.

Alfred Brooks does not speak at all of the 21st.

John Duaney, of course, speaks of Ensign Cullen and Dr. Morris, and Corporal Hunter, but, singularly, of no other witness for the prosecution but Manning, as being present at this time.

John Anderson almost tallies with John Duaney in this respect.

Eliza Phillips speaks only of Hunter, yet nothing of any officer or doctor, and certainly not of the presence of any witness for the prosecution being present when she says she saw Hunter at Manning's shop.

John Hamilton speaks of Bryan, Wills and Colson, Ensign Cullen, myself and Hunter, at Manning's shop, yet not another single witness for the prosecution.

George Manning gives somewhat the same statement as to persons present as Duaney, Anderson and Donaldson, or five persons (not eight or nine, amongst whom were Wedderburn, and afterwards of Brooks).

It is remarkable that he does not attempt to name Bevis Hunter, John Hamilton, Richard Roden Francis or John Sproull, as being with Brooks on that morning.

Is it not a circumstance worthy of the attention of this Court that, in the very second week of martial law, almost in the very teeth of martial law, when it is notorious that the lower orders were all scattered, and were being arrested in all quarters, and flogged, hung, or shot, and in fear of liberty and of life; and when even Manning and Anderson were in jeopardy, no less than 23 persons should thus, for this particular purpose, for particular dates, have been so strangely congregated together from distant places amongst 20 or 30 soldiers crying out, as they say, for prisoners and for blood?

With regard to the utter impossibility of any one in the shop, or under the shed, or in the road, or in or near the kitchen, or at the back of the shop, or even towards the turning of the road, actually seeing, on the 21st, what was taking place at the bamboo rail fence, or only nine paces directly across the road, in the then state of the logwood fence, thick, and at least 12 feet high (in many positions having to look almost along the hedge itself, or through the hedge twice at different places and angles) I would fain trust after all the evidence given by the witnesses for the defence, and uncontradicted by the prosecution, that you, Mr. President and gentlemen, cannot have any doubt; and yet Wills, and Colson, and Bryan, who never went further than the shop, but turned back almost immediately after the delivery of the prisoners, and yet also Hamilton (on the road between the shop and the bridge, if away from the shop at all), Donaldson (if Duaney is to be believed, as well as his own cross-examination), Duaney, Anderson and Manning, (who were all in the shop with the shed between them), venture daringly, in furtherance of this conspiracy, to

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tell, in decisive and exact terms, each and everything that they say took place, from the turning on the Holland Bay-road downwards for at least 80 or 90 yards, with this logwood fence between them, of soldiers with prisoners, the arrangement of the soldiers when firing, and of the three prisoners when fired at by soldiers, 10 to 14; the several droppings of the several heads, one after another, at intervals; the number of four or five separate volleys, guns, and shots, as each fell; the tying one by one, the putting up all together by others, and the taking, loading, and pointing of a rifle by me; of three or four, four or five in one volley at each man; and all this with insurmountable obstacles intervening.

Has not the attempt to deceive and impose arisen because, when Colonel Daniell went down in September 1866, the fence was very different from what it was in October 1865?

It will be remembered that, according to the evidence, there were plenty of people and soldiers between the shop and the bridge.

How, too, could these persons in the shop see all this that they describe as of the self-same momentary occurrence out of the same door or window, especially in the bewilderment in which they are forced to admit that they then were?

They tell you also that there were 10 to 14 soldiers armed, who went down with rifles, loaded at a distance, certainly not 10 paces from the three prisoners, directly opposite to them; the height and width of the logwood fence, and the overreaching of the bamboos on the side on which they stood surely must have effectually prevented the sight of me at that spot, as well as of the soldiers from all such minute inspection at such a distance; besides, what need for me to have taken part with three or four men firing in batches at the prisoners one by one, if each was tied one by one?

Were I to examine more minutely the evidence of each of these witnesses as to men and volleys and guns, I could show you grave contradictions, but, perhaps, I unnecessarily would take up your time; that was clearly shown by the Judge Advocate in Ensign Cullen's case, upon the charge against Ensign Cullen. I only now call your attention to the improbabilities, if not impossibilities, and absurdities. I may, however, add, that though Cecilia Robinson, Thomas Clarke, Eliza Phillips, and Peter Phillips, are put forward as present, they do not attempt to indulge in that horrible detail; the master touch of Manning, the enthusiasm of Anderson, and the bewilderment of Duaney, alone could describe it.

Nor, Mr. President and gentlemen, will I trouble you with any minute detail as to the orders said to have been given by me. One or two witnesses for the prosecution pretended only that Ensign Cullen and I whispered together, and another that I said loose the prisoners, and another that the soldiers said, that I said that the prisoners were to be shot. Such is the evidence of Manning and his more immediate confederates, and yet Peter Phillips, Clarke, and Eliza Phillips, witnesses for the prosecution, said to be present, swear to nothing of the kind.

It is worthy of attention that many of these same witnesses for the prosecution are forced to admit that I was very ill, at least for some time from my arrival at the shop; their own testimony on this point surely renders it highly improbable that I should have so chiefly or at all participated in the acts charged.

The evidence for the prosecution as to Corporal Hunter is so material a portion of the case for the prosecution that I am here forced to comment upon it. Of the several witnesses called for the prosecution who must have seen Hunter (a man well known in that parish and district) if he was there, Phillips, Wills, Colson, (who says the prisoners were delivered to the "officer") Richard Francis and Bryan (who says he delivered the prisoners to Corporal Beckett), Cecilia Robinson, Donaldson, and Clarke (who say soldiers were making the cat), and, strange to say, Manning, who still swears as to somebody ridiculing the prisoners about their prayers, say nothing whatever now of the presence of Hunter at any time when prisoners were brought or shot.

Speed speaks only of Hunter making a cat. Duaney says Hunter loosed the prisoners and returned up the road. Anderson says the constables delivered the prisoners to Hunter, but not so say Colson, Wills, or Bryan. Eliza Phillips speaks of Hunter being present at some day or other, but nothing of Ensign Cullen or myself, at the same time; she also swore that Hunter did nothing with prisoners except box one. Hamilton, for the first time, now pretends that he saw Hunter there, but never as to taking part in any shooting.

There is one witness indeed for the defence, who says Hunter was there for some time on that day, but only until half-past 10 a.m. I would here notice that Manning and others have never pretended to deny that two volunteers did come to Ensign Cullen that day from Lieutenant Adcock, nor has he attempted to deny that he did see and did not tell Mr. Berry anything whatever of the shooting of the three men.

I would here call attention to the word "Fire," sworn to by Manning as the word of command used, and refer to the comment made on the former trial.

Thus far have I closed my comments for the prosecution as to the first day, and whether from the gross exaggeration of the witnesses for the prosecution, or from their solemnly swearing to matters, as to dates, and persons, and facts, of which they can, in reasonable probability, have but little other knowledge than hearsay, or positively can know nothing, I yet trust to show to this Honourable Court such a mass of falsehood as shall indelibly stamp this prosecution with the brand of perjury.

If 10 or 14 soldiers, armed with Enfield rifles, fired at three men, one by one, or three together, and that successive volleys were fired by four to five men at the same moment, on the 21st, what would the Court expect to find, and what marks were said by the prosecution to be found at 10 a.m. on the 22nd?

Peter

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Peter Phillips describes the three thus, in respect of these several injuries:—One had his eye knocked out, one had a hole in his skull, the third had a wound in his stomach, and this was all he saw. So, therefore, according to his account, only one man's skull was injured, and that too with only one hole, out of which marrow was coming (as if that was probable for brains or brainy matter).

Cyphus Wills says, on this Sunday their hands were tied behind their backs to the bamboo draw rail, with their heads hanging down, but gives no other description.

Robert Speed says the bodies all swelled up, but he only peeped at them (he never knew the names of the men).

Samuel Bryan pretends to say he saw all the heads smashed, and the brains running out of them. Strange to say he places his hands in front of his body, and the heads, in explaining what he said he saw. (Compare this with Wills' account.)

One skull produced is wholly uninjured, two are in fragments.

Cecelia Robinson says she saw the three of them tied separate, and one head bent down (Richard Walters). "I saw" (says this witness, speaking of what she saw herself) "the brains smashed up, the head smashed up; I saw nothing more;" one head again only injured. (Compare her statement with that of Wills and Bryan.)

Alfred Brooks says, that there was no smell whatever, and no signs of decomposition; speaks only as to seeing one man wounded in the skull, and saw no other wounds (although he pretends he made a close inspection); this witness says he was Richard Watson, he was the tallest of the three; and yet the skull of the tallest man of the three is fitted by Dr. Kerr and others to the bones of the tallest man; has not a single wound while the others are all broken into fragments; the one point of entrance in each capable but of one ball, when the pieces were finally put together by Doctors Bowerbank, Campbell, and Anderson, and Dr. Kerr.

Harriett Warren describes one skull smashed, one wound on the side and nothing of the rest. She, too, says that it was Richard Walton who had the wound in his belly, and not his head smashed (compare this with Brooks).

Zachariah Bailey says, one of the men's brains was over his face, and the other two had blood. Were then the three skulls injured?

Brown, again, only speaks of one man as having his skull injured, and his brains running out.

William Bartley alone speaks of a chop on Tommy Miles.

Bignall, who pretends to have been there, only speaks of the eye of one being partly out, nothing else.

Can the Court possibly expect that only such injuries as are here described to have been on the 22nd, on these skulls, perfect in the whole except the two holes, one in each skull, would have been all the mischief done, if really fired at on the preceding day, as described by the witnesses for the prosecution; can it believe that only one ball could have hit each body at all?

If that be so, what becomes of the testimony of those who swore to these three men being killed on the 21st?

What becomes of the testimony of the witnesses of the 21st and 22nd too, if it be found that the skulls produced do not accord with the testimony of either set of witnesses; and yet, while the three skulls are said to be found perfect as skulls but for the two holes on the 22nd, two skulls in the supposed grave, with all their sutures separated, one in minute fragments, while the other one is perfectly whole. Again, when the skulls produced show such enormously extensive injuries, what is to be said of the testimony of those who speak as to one or two holes only?

Nor can I omit to call to your notice the contradiction of the witnesses, some of whom state that two of the bodies were buried with their heads towards the post-office and the other head towards Holland Bay, while others state that the three heads were together, though one of them was a little above, or below the other two; and yet, more, the grave spoken of is only about nine or ten feet from the bamboo rail, while Zachariah Bailey says, he dug the hole half a chain, that is to say, 33 feet from the bamboo rail.

How can all this loose and contradictory evidence be reasonably satisfactory to the minds of this Honourable Court? There can be no doubt that certain facts are outrageously sworn to, but let the several matters be thoroughly sifted, and compared with each other, witness with witness, and evidence with evidence, and the whole structure will fall to pieces like a baseless fabric.

I have received the testimony of the person called Alfred Brooks, the discharged book-keeper, the man of whom nothing good is known, whose word is not believed, who concocts the most improbable and the grossest tale ever heard of, whose own handwriting and memoranda, no less than the testimony of his brother volunteers, proclaim him a liar and perjurer, in this Court of Justice! Fit helper, indeed, for such men as Manning and Anderson.

If it be true that Brooks never left Golden Grove on Sunday the 22nd, it necessarily follows that the testimony of John Hamilton, Bevis Hunter, Bignall, Francis Brown, and indeed of Manning, who swore now for the first time that they saw Brooks near the post-office, and Iron Bridge, on Sunday morning the 22nd, are almost equally incredible. Take the first piece of Brooks' evidence, that he, on close inspection, saw only one man's head, and the tallest man's, smashed to pieces; and take the evidence of Doctors Kerr, Bowerbank, and Anderson, as to the state of that skull so fitted to the tallest man of the three; and

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Brooks' testimony is false, that skull had no fracture at all. Imagine his extraordinary tale: according to his own report he gets up and, contrary to discipline, and ordinary precaution, and his usual slothfulness, goes out alone at a quarter or half-past seven, at the direction, he says, of Lieutenant Adcock and Captain Ford, who he well knows are off the island; he proceeds all the way, he says, alone on the very road towards the Iron Bridge; he goes on to Holland Bay, there, he says, he gets hold of a constable, captures one or two prisoners; he proceeds on to Holland Bay Estate to the negro houses, about two or three miles off; he goes, he says, from house to house about; he takes altogether, as he says, about 30 prisoners; he himself apparently has no arms; there are, it would seem, no handcuffs, and all these prisoners, with abundant opportunities of resisting, or running away into the bushes at Holland Estate, and on the road, quietly, he says, suffer themselves to be peaceably taken by a lame-foot man, and one or two others, and an unarmed youth, in time of martial law, without the aid, too, of a single volunteer or soldier, to be taken all the way to the Iron Bridge, and then, as he says, they permit him to go out of his way and to amuse himself by sneering and jeering at them, these alleged prisoners under his charge, and foretelling them their fate, and threatening their lives when they reach Golden Grove quarters, and get amongst infuriated soldiers; he actually says, too, that he stopped at Manning's, he stopped and gave them some water; with one breath he says he mercifully appeases their thirst, with the next breath he vindictively warns them of their fate of being shot like their fellow labourers.

Well, he comes with all these prisoners, he says, back to Golden Grove by a quarter past 10 o'clock a.m.; and all this is done, as he positively swears, within the three hours; and to cap his swearing by something more extraordinary still, he wishes this Court to believe that he then delivered his prisoners to Lieutenant Adcock and Captain Ford at a quarter past 10 a.m., in the morning at Golden Grove, personally. Had he not been ill in bed the whole time, that abominable lie might have been avoided, and he might have saved himself from that perjury being found out, and he might have known that Captain Adcock and Captain Ford had left Golden Grove that morning about 7 a.m., and would not return until half-past 4 p.m. How one lie leads to another; his own written memoranda are found; fortunately, though they tell everything else, they tell there of no such exploit as 30 persons being taken prisoners on that Sunday morning, brought in by him; though he had that book in his room, and under his pillow for several days afterwards at Golden Grove, till he was discharged. He is recalled to explain this book, and to swear to his own handwriting; after careful examination of the two pages down to the 21st, with his own signature, all in pencil, it comes across him that there is nothing to confirm his statements as to the 22nd; the ready lie comes up to back up his other lies, and he swears on his oath that one leaf coming in just after the page on which the 21st is entered, had been torn out. Anticipating exposure, he resorts to another lie; having in one breath stated that the two pages were in his handwriting and the name also (for most assuredly he did swear that), he turns round and swears that that part of the writing on the second page as to his own doings of the 21st, and his own signature, are not his handwriting. The Court will notice that in this diary all the printed days follow on each page in their due consecutive order, day after day, and that there cannot possibly be any missing leaf immediately after the two pages in pencil.

The man's very countenance betrayed his perjury. No wonder, that, contemplating the shocking perjury he was about to resort to, he for whom the Court had been adjourned on the preceding day till the following morning, shrunk and quailed at presenting himself, till a serjeant and policeman brought him into court under pressure; yet more, can the Court now believe this man on his oath when he denied that he was boasting about that he, poor discharged book-keeper, the poor outcast from place, was getting a guinea a day for his evidence, and that it was better therefore to be a witness for the prosecution; and yet this is not a tithe of the case against him; this man, who actually ventured to swear that he was not sick on the 21st or 22nd; that Alvarenga never attended him; and that he knew nothing of the nurse Thompson; that he did leave Golden Grove and do all these wonders; and that he never was a discharged book-keeper; and this by letters in his possession.

And now, Mr. President and Gentlemen, let me turn to you the other side of the shield:—

What do all those whom Brooks himself at last vouched as witnesses, who, he says, saw him bring in all these prisoners on the 22nd, Sunday. At last, I say, for you will remember how Brooks hesitated to name anyone; at first he did not know them, they were volunteers; then the volunteers became book-keepers; then it was no use mentioning their names, for their attornies and overseers would not let them come; they were wanted for estates' work; it was crop-time. Oh, if they come they might choose to say they did not see me with prisoners that day. Exactly; conscience was guilty; they could not say so. Yes, at last names were mentioned, and, strange too, the names of book-keepers and others not at Golden Grove, some of them not in St. Thomas-in-the-East; but the names were dragged out and they came, the whole; Frank M'Dermott, John Mais, David Ford, Michael Myers, R. J. Stewart, and John Low; and they did swear (his conscience told him would swear), and they did swear to the truth, and not to a lie; they did not perjure themselves, as he did; they swore that he never brought in or handed over a single prisoner that day; they, of his own summoning, swore a little more too; they swore he lied when he said he left Golden Grove, for he was ill in bed, as he knew when he feared to tell their names.

Can you not now, Mr. President and Gentlemen, with perhaps more readiness since these additional features have been disclosed, believe that it was really true that no shooting took place on the 21st, of any three prisoners at or near the post-office. Surely the soldiers, neh-

non-commissioned officers, and above all, Ensign Cullen, are more worthy of belief than such men as Manning, Anderson, and Brooks, and those who have been so basely subservient to them.

You, Mr. President, said you would sit here six months to hear me. Have patience, I ask you, for an hour.

Let me call to your attention a short summary of the evidence in defence.

Serjeant Drysdale (of the Police), was at the post-office on the 21st, from about between 8 and 9 a.m., for about three quarters of an hour; at that time Ensign Cullen and I were there, and Corporal Hunter, the soldiers, and only Manning, Anderson, and Cecilia Robinson. It is clear no prisoners were brought in or shot during this period; it is equally clear that Drysdale met no one on the road being brought in to the post-office, or on his way through Golden Grove, along the road from Duckenfield or Golden Grove to the post-office. Alfred Berry, the volunteer, with Mr. Brandon, another volunteer, was sent on the 21st; on his arrival, probably about 2 p.m., at the post-office, he neither saw or heard of any shooting; he was in conversation with Ensign Cullen; he saw Manning, and was in conversation with him; the witnesses for the prosecution pretend that at least 17 or 18 people were there, with plenty of soldiers, and yet nothing is seen or heard of any persons having been that day, only an hour or so, brought there as prisoners and shot. Is it conceivable that if any such act had taken place but that Berry must have heard of it from some one that day?

Again, Mr. Berry actually went through a gap in the same logwood fence into the same grass piece, opposite Manning's shop, for about 20 yards. Now the Court knows that there are no trees whatever to intercept the view; that the bamboo rail across this grass piece is perfectly open, the rails being in line at least two feet from each other, and the grass quite low. It may well believe that as Berry was going straight from the road, through the logwood fence some distance into this grass piece, in a line to the bamboo draw rail so perfectly exposed, he must even involuntarily have seen these three dead bodies if they had been there then. Why, surely he, inside, had a thousand times better means of seeing everything than any man outside the logwood fence, or in Manning's shop.

There is every human probability whatever that Berry must have seen these bodies, if even they were there then, if he was inside the grass piece, as he swears he was.

Now, from about 2 p.m. to half-past 3, he remained at or near this post-office and the grass piece; it is pretended that the prisoners were brought in and shot between 11 a.m. and 1 p.m.

It surely is perfectly incredible that these bodies should have then been there lying dead (and this during only the second week of martial law), and that Berry, with orders to keep a strict look-out, and in conversation on the spot, should not have seen or heard of these deaths. Why it must have been the talk of the day; Ensign Cullen, or Manning, or some one would certainly have told him of it had it occurred. That Berry was sent on is abundantly clear from the testimony of Captain Astwood, Ensign Cullen, Wolstenholme and others. These are the only two civilian witnesses whom it has been possible for me to call; Volunteer Brandon being throughout both these inquiries, and before they commenced, absent from this island.

Hear what the military witnesses say:

Ensign Cullen, who swore on oath before the Royal Commissioners that no such shooting had taken place on that day, was examined again before you, and he swore most positively that no prisoners were brought in to the post-office that Saturday, that none were shot, and that I never moved out of the post-office that day from my arrival up to the time he left with me for Golden Grove; that I gave no order, that I could not possibly have shot any one that day without his knowledge, and that I did not.

Ensign Cullen states, that I got ill on the way from Muirton, about a mile from the post-office, and was much worse when I got to the post-office, and was brought and put on a table, and then in a small room; that I had an orderly, a soldier, to attend me; that I remained in the post-office, lying down on my back; that I did not go out that day; that he applied to Manning for a conveyance for me; that eventually I started on horseback for Golden Grove; that I was very ill when I got to Golden Grove that day. Corporal Hunter, who was at the post-office that day till about half-past 10 o'clock, if not later, swears that I fell ill on the road coming from Muirton, and that he left me ill in Manning's shop, and that up to the time he remained, there were no prisoners brought in or shot that day.

Allan Maddix (one of the detachment at the post-office that day) swears that he attended me the whole time; and that I never left the shop that day, from the time I came in until the time I left for Golden Grove; and that no prisoners were brought in and shot; that he is quite sure that neither he or I left the room at all, all the time, except that we went to the door.

Now, Maddix remained the whole day at the post-office himself, from the time of his arrival to the time of departure.

Lewis O'Connor, of the same body of men at the post-office, states, that he was nearly all the time sitting down at the post-office, in front of the door, and that I never left the room all the time; and that no prisoners were brought in or shot; he too remained behind with Ensign Cullen.

Fielding Wolstenholme (then serjeant-major with the detachment, on the 21st), swears that he was at the post-office, and remained with Ensign Cullen; that he neither saw or heard

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heard of any prisoners being brought in or shot that day; and that I was ill in a room adjacent to the post-office, lying down while he walking up and down about the street.

Morris Gordon (a private, who was also with the detachment, on the 21st) swears that he never shot or saw any one shot at the post-office in his presence that day, and that he was in the shop the whole time.

He was also one of those who remained behind with Ensign Cullen at the post-office.

Private Elythe (one also of the same detachment who remained with Ensign Cullen) neither saw or heard of prisoners being brought or shot near the post-office, or Iron Bridge; and states, that I was in Manning's room the whole time. He states, also, that only Manning and a brown man were there when he arrived.

Private Leslie (one also of the same detachment), swore that no prisoners were brought to the post-office, or shot, that day; he remained with Ensign Cullen there. He further states, that I was ill and lying down in a little room all the time they were at the post-office, and that I got ill before I arrived.

Whatever doubts he may have about Corporal Hunter not going on before the rest with an advanced guard, he certainly has none about prisoners not being brought or shot that day anywhere near the post-office or Iron Bridge, or about my illness; he, it is evident, remained behind with Ensign Cullen.

He also states, that while at the post-office he saw no stranger, except the person who kept the post-office; none of the other witnesses.

I would, in confirmation of this evidence, call your attention to the fact, on the arrival of the detachment at Golden Grove on the 21st, we saw all who were there; conversation as to what occurred on the line of march that day was freely entered into before and after dinner, and next day; each man, even Alfred Brooks, was then recording his exploits on that day; and yet, if you believe Ensign Cullen, Captain Astwood, Mr. Chisholm, and others, nothing whatever of the shooting of any man on the 21st, on that march, seems ever to have been bruited about, or boasted of, and I may surely pointedly refer you to the remarks made of Ensign Cullen and the very forcible observations of the Judge Advocate on this point; remarks which apply to me as well as to Ensign Cullen. Did the three soldiers conceal from Captain Hole their plunderings upon their return?

Did Captain Hole conceal, from his despatch of the 19th, the atrocities of the three men; did he not rather then think and state that they did good service? You have heard, too, from the evidence of Captain Astwood, Mr. Chisholm, and Mr. Sinclair, as well as Ensign Cullen, how very ill I came in, and was that night and the next day, over at the quarters at the great house; Mr. Chisholm giving up his own bed to me. What stronger proof of probabilities can be furnished than these two undoubted facts. Occurrences, mark you, at the very time in question, and (to use language already adopted) every man boasting what he had done, although all that he had done, was but his duty to the Colony and to the Queen.

With your generous forbearance, Mr. President and Gentlemen, I will now deal with the evidence as it affects Corporal Hunter, for though, as truly remarked in the address of the Judge Advocate, the proof of his absence or presence can in no wise whatever affect the main facts of the case (as testified to by every single witness in defence, whether as on the 21st or 22nd), it will yet be of damaging effect to the case for the prosecution if I show you (now that the point has, since the last trial, been more fully investigated), that Corporal Hunter did not remain at the post-office the whole time, and take part in the custody and shooting of any prisoners as stated (not by Peter Phillips or by Cyphus Wills, or by Colson, or Francis, or Bryan, or Cecilia Robinson, or Donaldson, or Clarke, or even by Manning, as present on the 21st October, the Saturday; but only by Speed, Duaney, Anderson, Eliza Phillips, and now, for the first time, by Hamilton; and yet all that Speed says was, that Hunter was making a cat. Donaldson, however, says, that the soldiers were making this cat.

Duaney says, Hunter loosed prisoners and returned up the road after prisoners were shot.

Anderson says, the prisoners were delivered to Hunter.

Now Bryan swore (as I have already called your attention to the fact) he delivered the prisoners to Corporal Beckett, and never mentioned the name of Hunter.

Wills and Colson say, the prisoners were delivered to the officers and soldiers, and not a word of Hunter is there from them.

Eliza Phillips, who spoke of no officer whatever as being at the post-office (and, pray mark this, of no particular Saturday at all), says Hunter took the prisoners and boxed one; but she speaks perhaps of some other Saturday or other day, if she did not see anything done with prisoners. Though she was there the whole time about the shop or kitchen, she is not able to swear any prisoners were shot, or that she ever heard the report of any volleys of guns, or report of a gun at all. Hamilton certainly says Hunter was present there that day, and so he was; but Hamilton does not venture to swear that Hunter ever took part in the shooting of any prisoners, or was seen returning after prisoners were shot. The only man who ventures to swear to that is Duaney. How is it that not one of the witnesses for the prosecution with the same opportunities, of knowing and seeing Hunter, who was no stranger at all, do not venture now to corroborate Duaney? From what was known of the last trial, it was abundantly manifest, that two points of the case, which started up after all the volunteers, and all the overseers and bookkeepers had been examined and left, would, in all probability, be made much of on this occasion. If Hunter had lied at the last trial, in attempting to prove his alibi by his fellow soldiers (for by his officer, Ensign Cullen, whose lips were sealed, or by me on account of my illness in the room, he did not prove any such fact);

fact), how was it that none of the witnesses have been examined more searchingly on that point: how is it that, if Hunter had lied, the proof in this case about him is so much weaker than it was then. No attempt now to unfold any horrible details of brains, or a sword covered with brains, or of savage fiendish expression of satisfaction and glee over the blood and brains of men said to have been massacred.

But, Mr. President and Gentlemen, at whatever hour exactly Corporal Hunter did leave the post-office on that day, he must have left it before any prisoners were brought or shot, if ever brought or shot; possibly some Corporal Beckett of some other march (for he does not appear to have been in this detachment) may have been the real Hunter, if Bryan swears at all truly. Taking, then, the negative testimony of so many of the witnesses for the prosecution, and the contradiction of those who speak somewhat of Hunter, does even Private Leslie positively state that no advanced guard went on; he certainly does not; he states he went to bathe about half-past 10 a.m., and when he returned, he saw Corporal Hunter still at the post-office, or under the tree. Now, he does say that Corporal Hunter was sent in front, and that when they fell in to go away, Corporal Hunter was far on in front. There is nothing so positive in this evidence as to induce the Court to believe that no advance guard was sent on, and that Corporal Hunter may not have gone on long before any prisoners were brought. It is observable, too, that though volunteers and others came to the post-office that day, Leslie did not see them. As he speaks indefinitely of Hunter, may it not be true, even on his evidence, that though Hunter did not go immediately he was ordered to go, he did go from the post-office, and was at Golden Grove before 12 at noon that day. Surely, the positive evidence of Ensign Cullen, of Serjeant Wolstenholm, of Corporal Hunter himself, of Corporal Maddix, of Morris Gordon, of George Blythe, may well establish the fact, that there was an advance guard sent on; that Corporal Hunter was at the head of it; that he did with other men leave the post-office, and go in the direction of Golden Grove, and that certainly before 11 a.m. or 12 at noon. But if corroboration were wanted of the fact, one only need refer to the testimony of Cruickshanks, the head carpenter, who was in charge of the rations and quarters, and says that in the morning, in the early part, after nine (though he did not note the hour), and about two hours before the main body came in, he did see Corporal Hunter, whom he had known from childhood, come there with others, and remain there.

Fanny Thompson also swears, that Corporal Hunter was at the big-house when she arrived, and Mr. Sinclair states, that on his arrival, on the 21st, he found Corporal Hunter at Golden Grove quarters, and that Hunter came and complained to him that he and his men had been there from morning and had nothing to eat; and that he himself saw other black soldiers there with Corporal Hunter. Ensign Cullen gave the order, and his reasons.

Ensign Cullen saw him start certainly before 11 or 12; Ensign Cullen swore he did not see Hunter return that day to the post-office.

I would here remark, that doubtless it will be urged that Hunter swore, that on his arrival at Golden Grove on the 21st, he saw soldiers of the 6th and volunteers there; this may be, and is perfectly true, if he was speaking of Lieutenant Adcock's detachment, when it afterwards arrived at two p.m. with Mr. Sinclair; and yet he may still have been there before they arrived, as sworn to by Cruickshanks, Thompson, and Sinclair.

But again it was sworn that these bodies were lying at the bamboo draw-rail at 10 a.m. and on to 11 a.m., and Zachariah Bayley (who came with the rest, as he says), marks the hour as 11 a.m. of this Sunday when he said he saw them there, and proceeded to dig; because he says Cyphus Wills told him (rightly or wrongly) he was coming from Golden Grove church. The grave-diggers, by the way, say the sun was high up, and they, eight or nine, dug the grave; two of them say they dug it three or four feet deep, giving the measurements by the height on their bodies. Dr. Kerr, however, says the grave opened on the 26th September 1866 measured only 18 inches in depth. If neither Dr. Kerr nor the grave-diggers were wrong, it is manifest that these bones are not the bones of any supposed bodies buried on the 22nd October 1865, the more so if this hole of the 22nd was dug 33 feet from the bamboo rail.

Now, even according to Manning and Donaldson, it is certain that the body of volunteers under Captain Adcock, and Captains Astwood and Ford, with soldiers and volunteers, came by the post-office on that Sunday morning, the 22nd, at about 7 a.m.; certainly, according to Donaldson, before Zachariah Bayley, Wedderburn, and other supposed grave-diggers came at all. No information whatever was given then about any dead bodies, though Manning himself spoke to Captain Ford (whom he says he did not choose to tell) and others; soldiers stopped behind at the shop and talked with him, while the rest went on, and yet no complaint or information of any kind is proven; there is no request for burial, or order for burial, as stated in Billy Gray's case; Mr. Harrison looks well into the same grass-piece from a high horse, from a point which would give him view of any bodies directly opposite, yet he sees none.

It is evident by the clearest proof, by the evidence of Mr. Harrison, Captain Astwood, Mr. Fowles, and others, that at the time there was no appearance or sign of any dead bodies at all, and that no persons about to dig that grave had come to the iron bridge or post-office, or were coming from the direction of Amity Hall, along the open road (for by a public highway it was they said they came); the whole country was clearly visible for miles of road; the body stopped too near to the Amity Hall works, and burnt a building, and no labourer was to be seen anywhere.

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But, in the meantime, and before the troops on that detachment had passed over the iron bridge, three or four men of the 6th (one is dead, one is at Mandeville, and two being Bedford and Cox) went 200 to 300 yards down the Holland Bay-road; down so far too, that when they returned the main body had reached the first village, where a house was being burnt; passed that bamboo draw rail, but not a vestige of any three bodies was to be seen alive or dead, at or near any bamboo draw rail at all, even though, had they been there, the men must have been within two or three feet of them at this exposed rail of about 10 feet wide. One of these men, Cox, has been again, in December, down to that very spot, which he himself described in his evidence on Ensign Cullen's case; he then examined the very place itself where these bodies are said to have been lying. He, therefore, can have made no mistake. Nor is that all. The court has the testimony of Lieutenant Brass, who rode slowly and watchfully with volunteers Davis, Allen (now off the island), Watson, and others.

Lieutenant Brass says:—There were several members of the troop who went with me on that (Holland Bay) road on Sunday the 22nd September; Allen, Private Watson, and others, whose names I cannot recollect.

I cannot say what was the cause of the mistake; I heard some one shouting, calling to turn back, and I did (Harrison amongst others, of course); Captain Adcock and Captain Astwood were near the party.

I rode opposite the second file on the left.

Private Watson was one file in advance of me; I did not see or hear of any dead bodies; I saw no persons with hoes or pickaxes; I saw no crows.

I first heard of the shooting of these men when I returned from England in July.

Clear is it that Lieutenant Brass did go down the Holland Bay-road that Sunday morning, and that he had every opportunity of seeing or hearing of these bodies. If they were there he must, in all human probability, have seen them.

The evidence of Mr. Watson needs no comment; his testimony is worth more than that of a thousand grave-diggers; he knows the Holland Bay-road; he was there on the very identical road on the Sunday, the 22nd, with Lieutenant Brass and others; so swear Mr. Harrison and Captain Astwood, Lieutenant Brass, and Mr. Berry. Mr. Watson speaks to about 7 or 8 a.m. in the morning; certainly before any grave-diggers came; he and others did certainly make the mistake of going on this wrong road. He swears that he went down 250 yards on that same morning; that he took notice then (he was in front on the right hand next to the logwood fence), that very morning as he was going down the road on a walk, on horseback; he had every opportunity on his immediate return of again seeing the bamboo rail; he swears that there were there no dead bodies whatever on those rails. As he returned last he had every opportunity of confirming his previous impressions; he states he has been on that Holland Bay-road very frequently, and that he has no doubt whatever that that was the Holland Bay-road that he went down that Sunday morning.

He, to the court, answered that he had seen the spot out of which the skeletons were in that grass piece very near to the bamboo draw rail on the Holland Bay-road.

Mr. President and Gentlemen, what more conclusive proof can be wanting than the testimony of Mr. Harrison, Mr. Astwood, Mr. Brass, and Mr. Watson, Privates Bedford and Cox; their statements are in no way contradicted or impugned by the grave-diggers, even supposing that Bailey and others did come there on a Sunday; their statements do, indeed, give the lie to Manning, Anderson, Duaney, and others, who have, for the prosecution, sworn, and induced others to swear, as to the shooting on the 21st. Their statements speak volumes in favour of the testimony of Ensign Cullen, and the non-commissioned officers and privates, and Volunteer Berry, as to the truthfulness of the evidence in defence as regards the 21st, and my conduct that night, and of the evidence which Ensign Cullen and the soldiers and I gave before the Royal Commissioners.

If the evidence of the grave-diggers be true, it does not follow that it establishes the truth of the testimony of the witnesses for the prosecution on the 21st. Who informed these grave-diggers about some men lying dead on that road? Not Manning nor Manning's people on the 21st; not Manning or Manning's people on the 22nd. Zachariah Bayley, who brought, as he says, the grave-diggers at 11 a.m. on Sunday, says that the information that led him at Amity Hall to come to the iron bridge was from two black soldiers from that the direction of the iron bridge. If three or any men were killed; if that Sunday be really the 22nd October 1865, may not some men have been killed on that day by those two black soldiers, and found on that road after Lieutenant Adcock's troops, with volunteers and soldiers, had all gone by; and may not a wrong grave in that old graveyard been opened and thereout taken these old bones, simply because there were three bodies found there on the 26th September, or searched before the 26th September, so as to be produced to fit Manning's tale of the 21st! Remember, Mr. President and gentlemen, the hole that Zachariah Bayley dug was 33 feet from the bamboo rail; that of 26th September 1866 is not so far. Zachariah Bayley's bodies were buried three or four feet deep; Dr. Kerr's were only buried 18 inches deep. Zachariah Bayley's bodies had their skulls injured by one hole in each of two and the third smashed; Dr. Kerr's bodies have two skulls in fragments and one perfect.

For medical testimony on the part of the prosecution these are the results.

As to bones in excess:—

Drs. Feddes and Scott admit that there are two bones in excess, Nos. 2 and 3 of the three bodies,

bodies, and that these bones in excess may belong to a human body. They state as to No. 1, that it resembles or belongs to the anterior superior spinous process. Unfortunately for that hypothesis none of the anterior superior spinous processes were wanting.

Dr. Scott attempts to fit No. 1 to 4 ilium, but found it not to fit at first. Dr. Kerr most certainly at one time, viz., on the 23rd November 1866, himself showed Nos. 1, 2, and 3 to Dr. Scott as being supernumerary human bones; he now calls No. 1 an anterior superior spinous process; but, as he himself admitted none was wanting, how comes it to fit, if it does? Nos. 2 and 3 he also admits are in excess, or cannot tell what they are. Yet he says no bones are in excess; very much like handling a question, if not a bone! however the Royal College of Surgeons and Physicians may decide on those matters.

As to soils, Dr. Kerr says, candidly enough, "I am not an authority on soils; I never exhumed bones before; I never was present at an exhumation before."

Dr. Fiddes professes no experience; in fact, he was not asked about it, and accordingly gave no evidence.

Dr. Scott learnedly states that considerable depth will produce rapid decomposition, an answer worthy of the Sphinx or the Delphian oracle! Strange to say, his experience in soils consisted only of the exhumation of one body years ago, buried without coffin for only three weeks, and of sundry limbs, possibly cut off in the hospital, and diseased!!

As to the length of interment:—

Dr. Kerr, while cautiously saying he had no cause to show why these bones should have been any longer in the ground than for 12 months, yet incautiously admits that though hair lasts for years after death, he cannot say why these bones had none if they were buried only 12 months. He also expresses his astonishment at all the clothing and 146 bones being gone in only 12 months, and says he cannot account for it, if the interment was only of 12 months.

Dr. Scott, beyond mere generalities, can tell nothing; of course, as a witness, he must make some answer; and what he does say shows he had no experience whatever, except the body that years ago he found three months buried with all the clothes on, and some of the diseased limbs that he operated upon in the public hospital!

Dr. Fiddes candidly states thus: "I cannot positively state the length of time these bones have been in the ground;" and that he has no inferences to draw as to some bones being longer buried than others; and then he begins to theorise, and to quote Orfila, whose works he has evidently, according to evidence, not read recently, for he says Orfila only wrote on soils in France, and accuses Orfila of much that poor Orfila never wrote, at least while he was alive. He, however, states that he has exhumed seven human bodies buried from three to four months, but never so long as six months, in this parish; with or without coffins, cholera bodies, or not—he says not.

As to gun-shot wounds—

Dr. Kerr never saw a conical bullet wound in his life beyond one, and that might have been, and was most probably, a case of suicide.

At any rate he states thus: "I cannot swear that those injuries were inflicted during life by conical bullet."

Dr. Fiddes, to use his own language, says: "I have had very little practical experience of gun-shot wounds. My own experience is chiefly confined to wounds made with a spherical ball."

Not one single question was asked of these three gentlemen, whether or not the fractures they saw could have been caused after death.

Was the evidence given on Ensign Cullen's trial in this respect a matter of dread?

Now the testimony of Dr. Bowerbank, Manners, and Anderson, and of Staff Surgeons Dunlop and Street, and my own, on Ensign Cullen's trial, must be well known to this honourable Court. Dr. Dunlop was unavoidably absent, and Dr. Street is absent from the island.

The general results which those distinguished gentlemen arrived at have not, I would submit, been shaken. Still is there the same result in the interment of the bones for a longer period than 11 months and four days, and of some of them for a longer period than others; the absence of all hair, clothing, smell, flesh, ligaments, even dust of ligaments, and of all soiling in the boxes, and the unaccountable absence of 146 bones, and also the presence of at least two more bones than are requisite for three complete bodies.

Unimpeached, too, is the testimony that these injuries may have been inflicted by other means than a conical ball. Wholly uncontradicted, too, is the evidence that these injuries on the skull may have been inflicted after death.

But there is evidence before the Court, by which you, Mr. President and Gentlemen, can yourselves judge of the reasonable probability that the bones produced for these three bodies were longer in the ground than 11 months and four days.

The bodies in question were said to have been shot on the 21st October 1865, buried in a brick mould soil, tending downwards to sand, about three feet deep, without coffin. You have a description of the result above, and in Dr. Kerr's testimony of what he found, or did not find on the exhumation, at the very brink of the grave. Mr. Hire's body was buried in a very similar soil, if not precisely the same, not only in the same parish, but in the same district, within a mile or two, on a hill certainly, but in a level garden at a depth not more than nine to 16 inches. He was killed at night on the 12th October 1865, and buried on or

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about the 13th or 14th October 1865; his remains were not exhumed till January 1867; on his exhumation he was found without coffin; with all the clothing he had upon him when he was murdered, visible and preserved; his whiskers were perfect; his head had not much hair when dead, for it had little or not much when alive. The body was very offensive at the time of exhumation.

The man Jones was hung, and was buried on or about the 25th October 1865, in soil very similar, indeed if not the same as that in which these three bodies are said to have been buried, and at about the same depth, and without coffin; and it was exhumed in November 1866. His hair, his clothing, and the mark in it, and the rope, were all found in good preservation; so too were his bones, even the small ones, his brains, and his whole body; the smell too was very offensive indeed at and after the time of exhumation.

Contrast these two last cases with that of the three men, and then, Mr. President and Gentlemen, may I not confidently ask you to judge for yourselves whether in weighing the scale of criminal justice the balance of probabilities as to a longer interment than 12 months ought not to be in favour of the opinions of the witnesses for the defence, ought not to lean for the prisoner, entitled, as he is, to every reasonable doubt in any portion of the case.

Mr. President and Gentlemen, you cannot have failed to have noticed the fact, that the rumour of the deaths of these three men never was bruited about until the report of the holding of a Royal Commission, or almost at its close, notwithstanding the efforts made by the Royal Commission themselves, and above all, by those whose special mission was not to do justice, but to foist themselves into importance by pretentious philanthropy, and to hold themselves out as the special patrons of the peasantry against the so-called dominant class; reckless whether they set class against class, or colour against colour. Not a single witness came forward to tell this tale till after the failure at Monklands before Mr. Maule against poor Colonel Hobbs, and then first it came from Manning.

Mr. Harrison, Mr. Chisholm, Mr. Sinclair, overseers in the Plantain Garden River District, and their several book-keepers and employers, never heard of all this until April 1866.

Mr. President and Gentlemen, with regard to that portion of these charges which accuse me of wanton conduct, I would remind you that not mere illegality, not mere mistake, not mere cruelty, nay, nor any breach of the formalities and laws of peace, or of civil or military tribunals, can satisfy the exigencies which, though even as a shield, the act of indemnity and military law in time of war have raised up to protect the *bna fides* of any officer.

The charge must be proved as laid. To what piece of evidence in the whole of the prosecution can the prosecutor point, undoubtedly demonstrating malice, revenge, or lust of blood, or thirst for human life. Surely Colonel Daniell cannot really mean that the evidence proves any such wanton desire for the cool-blooded massacre of one's fellow creatures.

Even on a charge of murder, malice is essential. What aught else are these charges?

Mr. President and Gentlemen, you have already had drawn to your attention the remarks of the Royal Commissioners and their unfortunately painful impression of the character of the testimony of witnesses of the lower orders; you yourselves must now be aware of their but too ready tendencies to aggravate and horrify the scenes and occurrences of martial law; of their incentives to revenge; you have heard how and by whom their passions were goaded on, and their ill-will concentrated against all those who had taken any part in quelling the rebellion.

You have heard how, and by whom, and under what circumstances these charges were first mooted and fostered, till hearing became seeing, and the grossest improbabilities became the gravest facts. You have heard that these prosecutions are instituted, not so much because of wanton excess, as because of a desire for the honour of the service, even, perhaps, as I may feel it, at the peril of junior members of the service.

Well, be it so.

Ensign Cullen has nobly undergone his scrutiny; why should I not do likewise?

I solemnly assure you that rather more for the honour of the service than for my own personal gain or wish, have I endured, almost in agony, this trial. I have not the means, or power, or influence of the prosecutor. I am ruined in health; I am ruined in prospects.

The mercy and spirit of strangers has enabled me to take the stand I have, and that stand for the service.

In fighting that battle, I have urged on you every reasonable argument, every possible testimony of witnesses of all ranks of life in this colony, who, aspiring to the same noble and generous ideas and sympathies that rouse the hearts of Englishmen against oppression and wrong, and knowing far more of the colony than you, Mr. President and Gentlemen, (and I say this with the profoundest respect) can possibly know, have come forward as never yet men came forward to maintain the truth, and the reputation, and the fair name of Her Majesty's officers.

To them, above all others, I, the army and navy, owe an eternal debt of gratitude, and I cannot help here recording it.

I have no more to add, but with my last words I state solemnly I am innocent of these charges. Do unto me as you would be done by. Whatever may be the result, I shall, Mr. President and Gentlemen, ever warmly thank you, and look back with the liveliest heart-felt satisfaction at the fair trial which, with the assistance of Captain M'Lean, the Judge Advocate, you have so impartially allowed me.

Henry Morris, Staff Assistant Surgeon.

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Prosecutor's Reply.

Mr. President and Gentlemen,

The prisoner, in the exercise of an undisputed right, has opened his defence by reading an address to you. I do not know how it may seem to others, but to me it appears in no way surprising to find in the position of the prisoner, standing before this Court on his trial for an offence involving the most serious condemnation, the man who could read to the Court so intemperate a paper. It can only be when contumely is mistaken for argument, and assertion accepted as fact, that a defence, foreshadowed by such an opening, can prevail. With vituperation and abuse it abounds, of logic it is wholly barren; nor is it the least objectionable feature in the document that its assertions are wholly unfounded, for there has not been given before this Court one word of evidence, either in the case for the prosecution or the defence, by which the denunciation so lavishly heaped on the witnesses for the prosecution can be justified. I think it my duty to make a few remarks on some of the leading points of this address. It is to me the most relieving consideration at the close of this painful inquiry that the course which the prisoner suggests as one which I ought to have taken did not appear to me to fall within the scope of my duty, and not less to you than to me must it seem, that the policy by which Her Majesty's Government was actuated in sending this Court direct from England to sift the truth concerning the death of Walton, Miles and M'Call, was the express desire and acknowledged wisdom of keeping the inquiry free from Colonial prejudices and predilections, from local traditions and reports, such as are to be found "in the records of the Colony, or in the official documents of the several branches of the legislature." It is, in the interests of justice, matter to rejoice at, "that no inquiries as to the state of certain so-called religious associations in Jamaica (those which in England most ignorantly pass for such)" have been made, but that, in accordance with the established rules of judicial inquiry, the charges will be adjudicated according to the evidence which is given before the Court, and, if opinions respecting witnesses are to be encouraged, they will be only such as the Court has been able to form from the conduct of the witness before it, or from such direct legal evidence given to the Court as the law allows in such cases. Judged, then, according to this rule, where is the evidence given before this Court to support the assertion, or from which the Court can infer that any one of the witnesses for the prosecution is "a member of a so-called religious association;" that any is a "sanctimonious, hypocritical, and designing pretender to, and trader in religion;" where is the word of evidence upon which the Court can safely say that this charge "is the result of a rascally combination to strengthen and to support a conspiracy." That, however, namely, their religious tendencies, with which the prisoner reproaches the most respectable of the witnesses for the prosecution, presents itself to my mind, and, I doubt not, it will also to the Court as especial grounds of recommendation; and while uttering my regret at the perversion of judgment and the want of good taste which portrays as a moral and social deformity a man who endeavours to adorn his life with the beauty of holiness, I may be permitted to express the hope that such feelings are confined to those who have expressed them before this Court, and, for the credit of the Colony, that they are not to be found pervading those records and documents which it was considered desirable that I should have consulted.

It is suggested that the witnesses for the prosecution are not credible, because some of them are sectarians, and a tone of intolerance runs throughout the prisoner's address wholly inconsistent with the spirit of the times. Englishmen live under a free dispensation, and the law, too, by the provisions of which witnesses are sworn and examined in this Court, as in others, has very wisely established the limits within which a witness is admissible, and it is not left to the mere discretion of judges or jurors whether Episcopalians, or Baptists, Methodists, Jews, or Hindoos, can be examined or are to be believed; it is fortunate, therefore, that the value of testimony given to support the charges against the prisoner is not to be determined by factitious considerations of religious belief, but by its intrinsic force, after it has undergone the personal scrutiny of the Court. I think that further word of mine is not required to bring this address of the prisoner under a right consideration, or to uphold the character of the witnesses for the prosecution generally, but it may seem proper, as I progress, to make special remarks on particular witnesses, and to the extent that it shall, I will trouble the Court.

The prisoner, then, Staff Assistant Surgeon Morris, stands before this Court under two charges, for the most wanton destruction of four human lives, which, in all probability, it has ever been the painful duty of any tribunal in modern times to try, or the misfortune of any person to read of. To what extent and by what testimony have these charges been made out? I propose now to give a general account of the case, reserving to a subsequent part of this address, and after I have dealt with the defence, my remarks in detail. The first charge is for shooting a man named Billy Gray, at a place called Grange Hill. To support this, nine witnesses have been examined, namely, John Hamilton, John Steele, Elizabeth Curate, John Curate, William Burk, Ellen Gray, Robert Deacon, Stephen Grant, and Richard Cane. I must open this case by correcting a misapprehension under which the prisoner seems to labour when he says that he "finds it almost only requisite to refer to the grave doubts and contradictions most fairly mentioned by the prosecutor himself regarding the witnesses for the prosecution." I never entertained any doubt, nor am I aware that I suggested any, as to the truthfulness of the witnesses, but I thought it right

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to draw the attention of the Court to the legal bearings of the case, in so far as the charge is for shooting, and the evidence establishes (as it impressed my mind at the time) a case of directing to be shot. But even in that respect I am not prepared to say that I entertain the least doubt, for if, as I have been advised, it has been judicially decided that an individual who directs another to commit a murder, and stands by and sees that murder committed, is guilty of murder, it would seem to be only consistent in principle that an individual who orders another to shoot a man, and stands by and sees that order carried out, having himself first made ineffectual attempts to do it, may legally be found guilty of "ungentlemanlike conduct in shooting the man." In plainer terms, upon the authority of the Queen *v.* Culken, had the prisoner, Staff Assistant Surgeon Morris, been indicted for the murder of Billy Gray, supposing the evidence that he ordered a yellow-skin soldier to shoot Billy Gray, and the yellow-skin soldier did shoot him, and the prisoner stood by and saw it done, he believed he could be legally convicted; and I submit that, supposing you believe the testimony, he can, with equal legality, be convicted on the charge preferred against him.

Now permit me to consider the evidence for the prosecution with you. The first witness examined, John Hamilton, you must have seen, is a very timid man; you must remember that he narrowly escaped being shot along with Billy Gray; is it to be wondered at then that he has a confused, and to some extent mistaken remembrance of the event. He says, "He" (meaning the prisoner) "call to one of the soldiers to give him a rifle; when the soldier bring it, the doctor say, Stop a little, and he cocked the pistol at Wm. Gray, and the pistol go off, and the man fall;" and this is what the prisoner alludes to when he says I expressed doubts. I believe that John Hamilton spoke truly when he said, "Them shot him in martial law; them shot him at a bread-fruit tree at Grange Hill; the doctor, Dr. Morris, call him down, and when him come up to him, him ask Deacon what man is this, and one of the soldiers say, 'One of the Grays'; and as he came up, the doctor tell him that he must stand off, and Gray took off his hat, and say, 'Massa, what I do?' and the doctor say, I don't want any chat, stand off; and him point a pistol at the man five times, and the pistol would not go off;" and that simply from the state of trepidation in which the witness then was, and under which he was still labouring even when before this Court, he made a mistake in the first quoted statement. But are there not other six respectable, apparently truthful witnesses, who have not been impeached in any way (I except always the general denunciation which seems to include every witness I have produced), witnesses who have told a plain unimpassioned story, witnesses (except one, the sister of the deceased) not related to the deceased; and do they not all, the six, agree that the prisoner snapped his revolver four or five times in the face of Billy Gray, and it did not go off; and then he ordered a yellow-skin soldier to shoot him, and the yellow-skin soldier shot Billy Gray with his rifle. Then what is to be said of the evidence of those two respectable men, Stephen Grant and Richard Cane; Grant, who obtained Captain Hole's written permission (which was produced to you). to bury the body. He gets the permission, but being called upon as a constable to look after the property and do duty, he gives the paper to Richard Cane, having first written the name of a person, whose acquaintance he had made, on the back of it in order to remember the name; and the memorandum served another and more useful end, for it enabled Grant to identify the paper when he saw it again for the first time, a day or two before he gave his evidence before this Court, never having seen it in the intermediate time. And can the Court forget how exultingly the prisoner thought he would entrap Stephen Grant, by requiring him then and there to write on another piece of paper, Mr. Andrew William, 5th Regiment, the words he had written on the back of the permit, but Grant did it, and did it successfully, for the handwritings are alike in all respects; is it reasonable then to doubt this man, and wherefore is he to be doubted; and wherefore, too, is any doubt to be cast on Richard Cane, who, having received the order from Grant, undresses and prepares the body of Billy Gray for decent burial, takes off the blood-stained garments, and obtains a full and unmistakeable view of the gunshot wound in the chest of the deceased. Is this, then, not a clear *primâ facie* case; are you to discredit this story simply because the prisoner calls the witnesses hard names? I think I can safely leave this case for the present, and pass on to the next. This charge for shooting Walton, Miles and M'Call, at or near the Iron Suspension Bridge, in St Thomas-in-the-East, is made out without lapse or break, without one missing link in the chain of testimony from beginning to end; by one uninterrupted, clear stream of evidence, flowing from its source; when at Peter Phillips' yard, on the Duckenfield Estate, he gave the fatal, but unintended order, to take the men to the soldiers at the Iron Bridge, to its termination by the hurrying these men to a premature grave; nor yet does it end here, for the earth has rendered back its dead. And by what testimony has this charge been made out? Is it by two or three witnesses; is it by individuals all speaking to the same facts; is it by persons living together and in daily intercourse with each other; is it by people all of the same class and condition of life; does it depend solely upon what they saw, and felt, and handled, and is it by the mouth of living witnesses alone? No; clear and distinct, and unimpeachable (except in so far as he is included in the general denunciation) is the testimony of that old man, Peter Phillips, who, faithful to his trust in the time of peril, remained in charge of the estate when all above him in station had fled; was there to order that, for stealing rum and nails, Walton, Miles, and M'Call and Francis, should be taken to the Iron Bridge to the soldiers to be flogged; and here his testimony ends. It is not an unpardonable digression if I here remark, in the form of interrogatory, and as affecting all the evidence, if this case be, as the prisoner asserts, a huge conspiracy, is it not remarkable that the division of parts should be so frequent, and so distinct, that the actors should be so numerous, and that some of the most intelligent witnesses should play the

the most unimportant parts? Here now, is a very respectable and intelligent man for his station in life; why does not he, if he is lying to please Manning, or anybody else, why does not he tell a good big useful lie; why does he confine himself to giving the order for taking the men as prisoners to the bridge; why does he not go on to say that he too accompanied them and saw them shot? However, to proceed next in order, come three men, Wills, Colson and Bryan, the two first being constables in the capacity of labourers on the Duckenfield Estate, neither being able to read or write; and the last able to read and write, a book-keeper on the estate, in a much higher capacity than the other two, a man having nothing to gain, and everything to lose, by giving offence to the powers he serves. These three men take the prisoners to the bridge, and there, in obedience to orders, deliver them to the soldiers. Now here again, if these men were telling a lie to serve a purpose, a purpose for which they must have been well rewarded in some way, and to carry out which they must have undergone much training, what in the name of reason can be urged why they did not all say that after delivering up the three men, they walked down with them and the soldiers, and saw them, Walton, Miles and M'Call, tied to the bamboo rail and shot; but they don't do that with a degree of truthfulness which commands reliance: one says that after delivering the prisoners to the soldiers, he turned back and only heard the guns; the other, that he, after delivering the prisoners to the soldiers, remained to see the prisoners taken to the bamboo rail, and he only heard the guns; it is only the third who says he remained to see the tragedy out. These four witnesses live at Duckenfield Estate; no evidence whatever has been given to show that they are in daily or weekly, or any sort of communication with the other witnesses; they went their way, and the transaction passed from before them like all the others which happened about that time. Comes next Richard Francis; it does not appear that he lived on the Duckenfield or the Amity Hall Estate; he seems to have been there about the time of the occurrence only casually; he is a very ignorant man, and I am in the judgment of the Court, whether or not I am right in saying, he with a few others, to whom I will refer as I proceed, are the most unlikely persons to have been called on to take part in so deep a tragedy. What does he say? "It was God loose me; the Almighty; I not tie too tight."

Next in order come nine witnesses, Anderson, Clarke, Donaldson, Duaney, Hamilton, Manning, Eliza Phillips, Cecilia Robinson, and Speed, who were all, more or less, eye-witnesses of the destruction of the three men, who saw them brought to the post-office by Bryan, Colson, and Wills, thus confirming them. What are the conditions or circumstances, then, out of which a conspiracy, as among these nine, is to be inferred? Anderson is not a parson or itinerant preacher; he certainly, it would appear, did live close enough to Manning, within a couple of miles, until among other wrongs, the school-house in which he was trying to do good was burnt. Clarke is, as you may well remember, as ignorant as it is possible for a boy to be at his apparent age, and his evidence was not much, but when brought in confirmatory contact with the statements of the other witnesses, establishes a great truth, and the same is to be said of Eliza Phillips; she too, not only gave very little evidence, but she gave it, as you may well remember, most unwillingly; she is a relative of Corporal Hunter; she saw very little, because she was always going in and coming out of the kitchen, but she saw the prisoners brought to the post-office, and if you are to believe the defence, not an individual, military, volunteer, or civilian, gentleman or labourer, white or black man or woman, came to the post-office that day; and if you are to believe the defence, the conspiracy and the lie cover the whole transaction, and no prisoners were brought to the post-office on that Saturday while the military were there; and therefore, as you must see that Eliza Phillips is not a conspirator, you get enough out of her to work upon in your endeavour to come to the truth. Passing on, we have Duaney, a man living as second lighthouse keeper at the Morant Point Lighthouse, required to be in close attendance at his post, and but seldom able to get a ride for an indulgence, and therefore not a man likely to afford the time required for plotting and maturing and rehearsing, and eventually acting in a conspiracy; for it must be remembered that this alleged conspiracy required profound contrivances and action; he is there, and Speed too, from Holland Bay, and Hamilton too, a respectable storekeeper from Holland Estate, and they witness the perpetration of the deed. Now, if the idea can be entertained for a moment, not only in the total absence of any evidence to establish it, but of the utter impossibility of planning and carrying it into effect, that any conspiracy existed, does it not occur to the Court that there must have been some most marvellous influence to induce these last-named men, well-to-do men in their station in life; men against whom it has not been alleged that any attempts were made during martial law; men who stand utterly unimpeached of any motive for doing a wrong act, especially one of such great magnitude; does it not, I say, appear to the Court that there must have been some marvellous influence over these men which must be disclosed and explained before the Court can believe that they would fall into such infamy as this alleged conspiracy implies. The remainder of these eye-witnesses, then, are Manning and his two servants, Cecilia Robinson and Abraham George Donaldson. I must be permitted to speak at some length about Manning; and here I may remark, although in doing so I must apologise to you, Mr. President and Gentlemen, for stating what must be already well known to you, that it is not only the words which come from a witness's mouth that are evidence, but his general demeanour, his anxiety to try and impress his story upon his hearers, his betrayal of animosity, revenge, or any other evil passion, his bias to one side or the other, and a number of manifestations of over zeal for a side, that to a watchful judge may condemn a witness and send him out of court utterly disbelieved, far more than the utterances of his lips. I fearlessly subject that honest man, George Manning, to this

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criterion; pass your judgment upon him in this respect, and I am confident that he will leave a satisfactory impression upon you of his truthfulness and purity. It is known that a special Court sat in Kingston for a long time during the months of February and March 1866, for the trial of persons who were implicated in the disturbances in St. Thomas-in-the-East in the autumn of 1865. If Mr. Manning had done anything which made him obnoxious to punishment, why may I ask was he not tried at that Court, and why did Ensign Cullen not forward to the authorities, who were then acting under that jurisdiction, the reports and charges which had reached him, and upon which he sought for Manning during martial law; why was "the charged and flying rebel" not brought to justice; why was he not even charged? So far, then, as proximity of residence and of facilities of intercourse, and of plotting, and arranging this conspiracy go, up to this stage of the proceedings it would appear that Manning and his two servants are the only ones who were able to do so, yet we find ten others implicated. The evidence, however, to make out this case, and the conspiracy, as the prisoner calls it, does not end here; there is a new class of witnesses altogether, deposing to distinct and separate facts; a class of witnesses and a description of evidence which will puzzle a philosopher to tell why they should have joined in a conspiracy, or how they could have worked it out if they did.

Alfred Brooks leaves Golden Grove Estate on the morning of the 22nd October, and on his way to Holland Estate for prisoners, sees the dead bodies of Walton, Miles, and M'Call tied to the bamboo rail. Before I accompany Brooks and others back from Holland Estate, I may here remark that, as the Court no doubt sees, I am now confining myself to the case made out for the prosecution; I will reserve for my observation on the defence, to which indeed it properly belongs, all I have to say about the onslaught made on Brooks and his credibility. To proceed then: Brooks first associates himself with seven constables, two of whom, Speed and Hamilton, I have already spoken of, being two of the witnesses who were present at the execution on the day before; of the five others, four have been before you, namely, Bevis Hunter, Thomas Brown, James Sproul, and Allan Bignall; may I ask you if you could desire in any country to have brought before you, or to see brought before any Court four more respectable, well-conducted men, four men who gave evidence more clearly, and as far as it was possible to judge, more truthfully; can the Court forget when it was attempted to involve Sproul in corrupt complicity with Brooks by a question as to when last he had seen Brooks, how he answered, in a tone commanding respect, "From that 22nd October 1865 unto this day I have never seen Mr. Brooks"? Can the Court fail to remember the ease and readiness and confidence with which every one of the many questions put to all these witnesses, to involve them in mutual complicity, were met and defeated? Brooks then with these seven constables and about 30 prisoners, only one of whom, Richard Roden Francis, has been examined, marched from Holland Estate on that Sunday morning, reaching the Iron Bridge at about a quarter past 10. It is material to keep this time in mind, as it will be referred to when I come to address myself to the defence. At that iron bridge, Brooks ordered the constables to take the 30 prisoners down the road to see the dead bodies of Walton, Miles and M'Call, and he went with them; with the dead bodies in view, Brooks tells the prisoners that that would be the fate of some of them, and then he marches them on to Golden Grove Estate, at which place Richard Roden Francis tells you he was flogged; and yet there is more.

Five witnesses then (and it must be remembered that there are many more with whom I did not think it necessary to trouble the Court), namely, Wedderburn, Warren, Bailey, Bartley, and Taylor, all from Amity Hall, another estate lying in an opposite direction to that from which the other witnesses came, have appeared before you and deposed to the facts of repairing to that bamboo rail about 11 or 12 o'clock in the morning of the Sunday following, and that after digging a shallow grave, they removed the bodies from the rail, and placed them in a particular position with respect to each other in that grave. Now as concerning these witnesses, I might here enquire whether any of them exhibited such a degree of worldly knowledge as would induce you to believe in the possibility of their being parties to so skilful a contrivance as the conspiracy in which they are said to have participated. But does the evidence to establish this most consistent and unbroken narrative end here? No; there remains to come the most important part of it. There is the triple phenomena of the bodies now lying in the engine-room of these barracks, exhumed by the same persons who committed them to earth. I have placed before the Court four other witnesses, Captain Hole, Drs. Kerr, Fiddes and Scott; the evidence of the first of these was intended to be merely formal, namely, to prove that the prisoner being in medical charge of a detachment of troops under the command of Ensign Cullen, left Muirton or Manchioneal in company with it, for the post-office at the Iron Suspension Bridge on the morning of Saturday the 21st October 1865, and, so far as the case for the prosecution goes, that is all; but I have to request that the Court will carry in its mind the particular terms of the order from Brigadier General Nelson, then in command of the field force, in obedience to which this detachment was sent away; because I shall feel it my duty when I come to address myself to the evidence in defence, to animadvert in very strong terms upon this order, and its effect upon the transaction under investigation.

The other three witnesses were called, not because I considered it necessary to establish the case for the prosecution, but in anticipation of the defence, and therefore, with the permission of the Court, I will reserve my remarks on their testimony to a subsequent part of this address. This is what is technically termed the *primâ facie* case for the prosecution; I may have been tedious in drawing attention to it, and in recalling to your notice the testimony in the order of occurrences; I make no apology for this, for, seen by the light in which

which I see it, I am only afraid that I have not been fully equal to the conduct of so important a case. Drawn to its close, however, I am justified, I think, in asking you if ever case so clear, so consistent, and so satisfactorily made out, came within your province to deal with in any capacity, or if in the experience of any of you, there is one on record. Here is no circumstantial evidence, here is no one or two points made out, and the others left to be filled in by force of circumstances, or the necessary concurrence of events; no disconnected story which calls for a strain upon the imagination to make it entire and consistent, no link is lost, no gap is left open, and with the utmost confidence do I add, that neither because of the way in which they have given their evidence, that is, their demeanour before the Court, nor because their story is inconsistent, parts with other parts, nor because any has contradicted himself, nor because they contradict each other on any substantial point, nor yet because of any relationship existing among them, or on the part of any of them, towards these three destroyed men, nor yet because of any conceivable human, or inhuman motive for falsehood, is there ground for not accepting this evidence, and upon this the *primâ facie* case, saying at once that the prisoner is guilty.

But the prisoner is entitled to call witnesses to impeach this testimony, and to address the Court on the whole case; he has availed himself of this privilege. I will first deal with the evidence he has adduced; he has examined 47 witnesses. As the witnesses were called without regard to the charges or the events, it seems necessary, in order to give the Court what may not improperly be called a bird's eye view of the defence, to tabulate the evidence. With respect then, to the first charge concerning the death of Billy Gray, the evidence may be said to consist of the four following main statements:—

1st. That the prisoner's revolver was broken before the alleged shooting, and remained so, and was so seen by several persons.

2ndly. That the prisoner left Muirton that morning without a revolver.

3rdly. That people went to Grange Hill on that day, and saw no dead body there.

4thly. That the prisoner did not go to Grange Hill on that day.

Now with regard to No. 1, it is supported by seven witnesses; I think I may safely dismiss it with few remarks; as particular as each of the witnesses who speak to this point was that he saw the broken revolver on the window in the room of the Muirton house, in which their rum was served out to them, none has ventured to assert that he was permitted, or that without permission he ever took the liberty, to search the prisoner's baggage to see how many revolvers he had with him; none has ventured to say that the prisoner did not, or could not, by any possibility have procured another revolver when the first got broken; to be sure it is deposed to by one or two of the witnesses, that neither Ensign Cullen nor any of the men in the detachment had a revolver; but does that prove either that the prisoner himself had not another revolver, or that he could not have procured one from any person other than those in the detachment, that is, always supposing that the evidence on this point, namely, that no one in the detachment had a revolver, be accepted as true?

No. 2 is a little more plausible; it is supported by five witnesses. This extraordinary statement is backed up by the equally strange one, that the prisoner left the place with his sword belt over his patrole jacket; the Court cannot fail to remark how necessary it was for the witnesses who made statement No. 2, not to support it by this further one, because it would have been scarcely possible for any one to swear with any degree of certainty that an officer had not a revolver with him if he wore his sword belt in the more usual way, or under the patrol jacket. Of Ensign Cullen individually I wish to say as little as possible; I therefore pass him over here; of the other four I can but express my surprise at the singular and very unaccountable occurrence of four men, who had no object whatever at the time for making such an observation, not only making it, but (and equally without object or reason) that it should have become so impressed on their memory as to enable them at the lapse of 12 or 13 months to speak of it with so much certainty. The wonder is increased when we find two at least of these men, Edge and Handley, improving the occasion, and adding to the statement that they saw the prisoner return, too, in the evening without a revolver. But should the Court even believe this statement, before it can be accepted as a sufficient answer to this charge, or as forming a sufficient part of an answer to the charge, you must, I submit, be clearly satisfied that there was no possibility whatever of the prisoner becoming provided with a revolver at any time between that at which these witnesses lost sight of him, and his return to Muirton; that, too, during the heat of martial law.

No. 3. Here we have again three of the same men (with the addition of Serjeant Webster), who proved No. 1, and I think that I may dismiss this with the same indifference as to its effect upon the charge as I have expressed with respect to No. 1. Here we have it stated that six private soldiers with a serjeant were allowed to go forth, whithersoever they would, for their amusement, fully armed; we have it in evidence, too, that others to whom the same license was allowed amused themselves with shooting hogs with Her Majesty's ammunition, and we are left in no very difficult conjecture as to the extent to which amusements involving more serious consequences were indulged in. Is it any wonder, then, even if the amusements for which the Queen's ammunition was employed was confined to shooting hogs, that a class of people who had no guarantee against being mistaken for rebels, and summarily disposed of, should have considered it prudent to keep

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out of the way, and afford no information about dead bodies to seven armed men, of whom they might well have been afraid? And as to not seeing the dead body of Billy Gray, why each of these witnesses admitted that they did not go into any house, and the Court will remember that the body was removed into the Old Buckra House by Grant; of course, then, these witnesses could not have seen it.

No. 4. This is, perhaps, the only part of the evidence for the defence on this charge which is of any importance. "It is, in substance, an alibi." The five witnesses who make this statement are Ensign Cullen, Hunter, O'Connor, Wolstenholme, and Blythe. To take O'Connor and Wolstenholme first; you will find, I think, on examination of the evidence, that these men deny all knowledge of Grange Hill; they say they went to Haining, and they saw no man shot on that day. It must appear to the Court to tinge the evidence of these two men with much suspicion, that living, as they appear to have done, for some time in Muirton, they never heard the name of the adjoining property. The next is Blythe; he does not fix any date by which the Court can satisfactorily identify the journey of which he speaks with that in the course of which Billy Gray was shot; he says, "he went with the first detachment that left Muirton under Ensign Cullen with Assistant Surgeon Morris, and never was at Grange Hill." It must not be forgotten that this, a raw recruit, is the man to whom the prisoner made a promise of getting him appointed lance corporal. In like manner Corporal Hunter says, he "never went on that track where there are two bread fruit trees; he never saw any one shot at or near Muirton;" he fixes no date, but says, "the first time I went, it was up the Haining-road; I was sent up the Haining-road with Ensign Cullen and Doctor Morris." Of Ensign Cullen, as the fifth witness in this statement, I have already said I do not wish to speak individually; it is difficult to place any reliance on these statements. Billy Gray is not here; you may call for him, but until the last trumpet shall sound, and summon him from that eternity into which the prisoner hurried him, your call will be re-echoed back without response; his absence is as strong a part of the evidence as any word spoken.

I come now to the second charge against the prisoner, namely, that for shooting three men, Walton, Miles, and M'Call, at or near the Iron Bridge over the Plantain Garden River, and adjacent to the post-office, the Duckenfield estate lying to the south, and the Amity Hall estate to the north of the River. To ensure a right understanding of the case, it is not out of place to remark, that the Queen's-road from the Golden Grove estate lying about a mile to the West passes the post-office, and leads directly to Holland Bay, which is about two miles or under, onwards in an easterly direction, and the road almost runs parallel with the river. The defence of the prisoner, irrespective of conspiracy, is—

1st. That no one heard any talk about these three men having been shot, about the time it is said to have been done.

2nd. That no one saw marks of a grave in the Duckenfield grass piece.

3rd. That the prisoner when he arrived, and all the time he remained at the post-office, was too sick to do the act complained of.

4th. That Corporal Hunter was not present at the post-office, or in the vicinity, at the time the witnesses for the prosecution say he took part in the shooting.

5th. That several persons who were present did not see any men shot, and they must have seen it, had it occurred.

6th. That several persons passed the next day, and saw no dead bodies, and no one digging graves.

7th. That Brooks was sick, and unable to go to Holland Bay or Holland estate on the Sunday morning, and did not go.

8th. Medical opinions and miscellaneous evidence.

I will call attention to these eight, which seem to be all the leading features of the case for the defence, and to the bearing of the evidence upon them, and then I will return to the conspiracy.

No. 1. I think scarcely necessary to trouble the Court with at much length, or to enumerate the witnesses who speak to it. It may be taken for granted that none of the witnesses for the prosecution ever spoke about it; and why should they? Could there have been such subsidence of the feelings engendered by martial law as would have emboldened anyone to speak of wrongs done while it lasted; and must not every one have been thankful that it had ceased to prevail, and he had escaped, and but too willing to say nothing of the past; and unto whom were they to speak? Can the Court expect that any one of the witnesses for the prosecution could have gone to any one of the witnesses for the defence, and have told them anything about the shooting of these three men. The only two between whom there was equality of position in life, namely, Bryan and Moyle Wilson, brother book-keepers, on the Duckenfield estate, however did speak about it; what says Moyle Wilson in answer to a question put by the prisoner:—"If he heard on the 21st of October whether prisoners were shot at the Iron Bridge on the 21st October?—I did not hear of it on the 21st October; I first heard of it two or three months after when making inquiry of the people, and they told me they were shot at the Iron Bridge; the inquiry I made was of Samuel Bryan, the head man at Duckenfield." And again, in answer to another question, "What caused you to make inquiries about these men?" he says, "Because I had seen them working on Duckenfield estate previously, and at the time of my inquiry they

they were absent for some time;" but I think I may lay claim to this silence on the part of my witnesses as negativing that conspiracy which could not have been matured without much communication; of this, however, I shall have occasion to speak more at length afterwards.

No. 2. No one saw marks of a grave in the Duckenfield grass piece. The witnesses who speak to that are Mr. Sinclair, Moyle Wilson, and McDermott. I shall take Moyle Wilson first; about a month after martial law, he went to the grass piece and saw no signs of a recent grave; now, you will find by the evidence of the next witness, Charles Henry McDermott, that the grass piece was scythed down before martial law; there can be no mistake about this, for the witness repeated it over and over; the answer evidently took the prisoner by surprise, and he tried to make the witness alter the statement, but the witness was firm "that the scything was before martial law," and he gave his reason for being certain about it. After martial law, he says, the grass was fresh and growing up quite young; and he says, when asked "if he was near about that bamboo draw rail at the end of October or beginning of November 1865, and did he see any recent marks of fresh graves?—" "I saw no recent marks of fresh graves; I did not go into the grass piece for the purpose of looking for that." Here, then, are two book-keepers both saying they went to the spot and saw no grave, and both, no doubt, speaking the truth, but one speaking the whole truth, in so far as he tells the Court why he did not see the grave, and a most satisfactory reason it is: "I was not sent there to look for a grave" (nor was Mr. Wilson); and having stated the fact (which Mr. Wilson omitted) that the grass was fresh and growing up quite young, he affords the Court the means of seeing that unless his attention had been directed to, and he had received orders to search for, such an appearance, the fresh grass would have hid all traces of a grave dug and covered up in the way the evidence shows this to have been. Now for Mr. Sinclair; he says, "I went to the grass piece, for the first time after October 1865, in the first week in November 1865; I have had occasion to go in there frequently since; I passed through the draw rail, and close on the spot where the grave has since been opened; there was no sign or recent appearance of any grave about that spot." And again, "I saw the spot; I could not help seeing the spot on every occasion that I went into the grass piece, because my horse would pass very close to it." And then this question was put to him: "In April 1866, and on your visits up to the time the grave was opened, did it present a different appearance to the time when you saw it in November 1865?" to which he answers, "It presented the same appearance as it did between the time from the 1st of April to the time the grave was opened in September 1866." This is not as clear as it might be; but what the question sought, and the answer intended to assert, is, that the spot where the grave was opened and the bodies taken from, presented the same uniform appearance from November 1865 until the grave was opened in September 1866. Now, if this evidence be worth anything at all, it proves that no grave was dug and no bodies buried in that grass piece between November 1865 and the 26th September 1866, when, under my inspection, the bodies were exhumed. What is principally to be inferred from this will be spoken of afterwards; for the present I must say of Mr. Sinclair what I said of Mr. Moyle Wilson; he did not go into that grass piece to look for a grave, and he does not say that he did look for a grave, and his not seeing one is to be accounted for in the same way as is Mr. Wilson and Mr. M'Dermott's non-observance of one, namely, the grass had grown high and luxuriantly over it; and the Court must remember that all the evidence goes to show that there was no great mound of earth on the grave; the earth was only scraped away 19 inches deep, the bodies put in, and the earth scraped over; and in a very damp soil, such as this has been proved to be, with the spring and autumnal heavy rains (or seasons, as they are here called), which are known to fall in the tropics, it is not, or ought not to be, any matter of surprise if no traces of such a grave could be seen by a casual observer, and one who, until a long time after, did not hear of the existence of any grave there.

No. 3. That the prisoner when he arrived, and all the time he remained, at the post-office, was too sick to do the act complained of. I do not deny that the prisoner was ailing; but when the Court looks to the remedies which were applied, viz., rubbing the head with florida water (hot tea), fowl soup (which the prisoner asked for, and which was prepared and sent after him to Golden Grove), and a cold bath, the Court can fairly enough draw its own inference as to the character and cause of the ailment.

No. 4. That Corporal Hunter was not present at the post-office, or in the vicinity, at the time the witnesses for the prosecution say, he took part in the shooting. Those who speak to this point are Mr. Cruickshanks, Sinclair, Hunter, Ensign Cullen, Maddix, Gordon, and Blythe. Mr. Cruickshanks says he saw him, Corporal Hunter, and two or three other soldiers at Golden Grove. This evidence is very suspicious; the witness evidently having been made to see what is required, tries to cover the time that Corporal Hunter was at the Iron Bridge participating in the mischief which was done there; he says, Corporal Hunter arrived there, that is, at Golden Grove estate, about two hours before the soldiers of the 1st West India Regiment (meaning those under the command of Ensign Cullen), and that the main body of the troops, under Ensign Cullen, arrived at Golden Grove after the volunteers; he cannot say the exact time, but it was some time after two o'clock p.m. Now, if his evidence remained here, there would be very little difficulty about it, because all the Court would have to do would be, first to fix the respective times of arrival by a fair average of what all the witnesses say, and to reduce the two hours, of which the witness himself is not certain, for he only says about two hours. Then, if the main body arrived at 3.30, Corporal Hunter may possibly have been seen a short time (not exactly, as the witness says)

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before the main body arrived, because he does not say that he saw them arrive, but before the time when he first saw them, which he, of course, fixes as the time of their arrival; but this witness goes on to say, which is wholly irreconcilable with the foregoing, that when he saw Corporal Hunter at Golden Grove it was nine o'clock or after; "I did not note the time; it was after nine a.m." Now, this is why I say his evidence is suspicious; if a truthful man is about to fix the hour of the happening of an event, if he cannot speak with certainty, he at least says it was after the last hour, that is, the last striking of the clock; if he means to say it was after twelve, he does not surely say it was after eight. It is quite clear that the main body did not reach Golden Grove until three at the earliest; and, even allowing the two hours, the witness ought to have said it was after one, but that would not cover the time; for Corporal Hunter's arriving at Golden Grove at one would be possibly consistent with his being present at the shooting of the men at twelve or 12.30 at the Iron Bridge; therefore, the witness says he saw the corporal after nine o'clock (wishing it to be inferred, of course, that he meant before ten) at Golden Grove, guarding himself, however, against saying so positively. As one does not wish, if it be possible to avoid doing so, to impute untruthfulness to witnesses, let us see if there is any hypothesis on which this statement, that Corporal Hunter was seen at Golden Grove at nine a.m. on the 21st October, can be reconciled with the other testimony. I think there is. It is known that no spirits were sold at Manning's shop; it is known that several shops and a market, in fact, are at Golden Grove; and it is known that a person can walk from the post-office to Golden Grove and back in about half or three-quarters of an hour; the distance is only a mile; is it, therefore, impossible or unreasonable to suppose that Corporal Hunter, of his mere motion, went alone, or was followed by one or two privates bent on the same errand to Golden Grove, to supply themselves with rum, and that he or they returned to the main body at the post-office before any prisoners were brought in, or any of the events which the Court is inquiring into commenced, and that on this visit he may have been seen by Mr. Cruickshanks? Is there nothing in Corporal Hunter's own evidence favourable to this view? Remember, that he says he went alone from the post-office to Golden Grove, and heard the clock strike nine a.m. near Golden Grove.

Now for Mr. Sinclair; he says, immediately after my arrival Corporal Hunter complained that he had been there some time; that he had men with him, and had had nothing to eat. This is all this witness says on this point; it is not satisfactory, nor such, I submit, as the Court will attach any importance to, especially when it is given to assist a statement which I shall proceed otherwise to show, almost conclusively, is incorrect; and as to Mr. Sinclair himself, you cannot fail to remember that he has given evidence which is officially known to you to be incorrect; for he endeavours (with an ill-conceded strong bias in favour of the prisoner), to make the Court believe that a man on horseback, opposite the post-office, cannot see a person standing at the bamboo rail; and he also says that a person standing at or near the door of Manning's shop, cannot see the head of a person at the bamboo rail at any time, whether the fence be high or low. This he says he has recently tested. The Court has been to that place, and have made their observations for themselves, and they know how far Mr. Sinclair is to be relied on in this respect. If, then, Mr. Sinclair can make such a mistake about a matter of eyesight, what limit is to be put to the mistakes which he may make as to the exact time of day of occurrences happening 12 or 13 months ago, which were then very immaterial? It is a curious circumstance that he should be able to remember this trivial incident so well; and, after all, what does it amount to? He saw Corporal Hunter immediately after he (Sinclair) arrived at Golden Grove. Now this is only comparative; to be sure, he says that Ensign Cullen came after; but what he calls immediately may have been a couple of hours, or even one hour after his arrival; and, if so, all would be true and consistent, for it is admitted that within an hour of Mr. Sinclair's arrival at Golden Grove, Ensign Cullen and Corporal Hunter were there, and Mr. Sinclair may have seen Corporal Hunter first, a quarter of an hour after those from the Iron Bridge came, and Mr. Cullen three-quarters of an hour or an hour later; this would make his evidence true; and it is not absolutely inconsistent with what he says if a very little license be taken with his time, which he himself does not venture to be certain about. I think this statement much too loose to be depended upon, and therefore I shall pass on to the next witness in this branch of the defence, and he is Corporal Hunter himself. His account contradicts that of all the others who speak to his going away from the post-office. He says he remained five minutes at the post-office, and that he was sent on by Ensign Cullen on the advance guard to Golden Grove; that he went; that he was sent alone; that when he arrived there he saw Mr. Cruikshanks, and remembers speaking to the overseer of Duckenfield, and that when he was there he was knocking about, looking for a place for his men to stop in. With the exception of refreshing your memory as to the glib and evidently previously well-instructed manner in which this witness (Mr. Cruikshank and Sinclair having previously said that they saw him at Golden Grove) stated that he saw Mr. Cruikshanks and Mr. Sinclair at Golden Grove, he never but once, 11 years before, having seen Mr. Sinclair, I shall dismiss him for the present. Maddix says the advance guard was sent and went, a section of about 10 men, with Hunter; it left all together. Gordon merely says an advance guard was sent, of which Corporal Hunter was in charge; and Blythe says there was an advance guard, Corporal Hunter was in command; but he goes on to say that the same advance guard came on from Muirton with the detachment, and passed the post-office, straight on to Golden Grove, without halting. So far, had this alibi, which this evidence is intended to establish, rested here, it would, I submit, as against the clear testimony for the prosecution, have failed to convince the Court of its truthfulness;

but

but it is wholly, most positively and clearly contradicted by one witness for the defence, Leslie, whom, the Court may remember, swears positively that Corporal Hunter never left the place until three o'clock, when all went off together. These are his words: *Q.* "Did you see Corporal Hunter at or about the post-office immediately before you went to bathe!" *A.* "Corporal Hunter was there; he halted his men under a tree; I saw him when he halted." *Q.* "Did you see Corporal Hunter at or near the post-office when you returned from bathing?" *A.* "He was there." *Q.* "At what hour of the day, as near as you can judge, did the detachment leave the post-office?" *A.* "They leave at three o'clock." Then he says, "Corporal Hunter fall in his men, and got the order to march, and we fall in; he was far in front; Corporal Hunter went no time before the rest; as he marched off, we were falling in." There remains one witness who speaks to this point; and, although he intends by his testimony to confirm, I think it will be found that he most successfully destroys it, if we take his statement in conjunction with his orders, and the statements of other witnesses; and he is Ensign Cullen. The Court may remember my request in a former part of this address, that it would carry in its mind the particular terms of the order from Brigadier General Nelson, in obedience to which the detachment was sent by Captain Hole from Manchioneal to the post-office at the Iron Bridge that morning. I will only quote these words of it: "Great importance is attached to the party leaving Manchioneal at the above hour, and nothing is to diverge or hinder their march on to the post-office, extreme emergencies alone excepted." For some reason not explained the detachment left, according to some accounts, only 25 strong, half the number ordered; but certainly only 30 strong, according to Ensign Cullen. Young in the service as he undoubtedly was, can the Court believe that Ensign Cullen was either so ignorant of his duty, or so unmindful of the importance of obedience to orders, and especially in time of active duty, as, having already a deficiency of nearly half the number of men ordered, that he would, or could, or did, commit the egregious blunder of sending away one-third of those he had upon the report, as he says, of a flogged rebel; that the detachment which was to meet him at the post-office was coming to Golden Grove, that place being in the direct line of march to the post-office. Had Golden Grove been in another direction, he might have supposed (although that would have been wrong too, especially when the authority was a flogged rebel) that the plan was altered; but Captain Adcock's detachment from Morant Bay must have passed through Golden Grove to the post-office, which, according to the order, was the point of meeting; and, therefore, if the information, had it been received, was worth anything, it intimated that the course was in accordance with previous arrangement, and, so far from justifying Ensign Cullen in departing from, rather required him to act more strictly in accordance with orders. Small pieces of evidence, too, sometimes prove a great deal. One witness, Leslie, says that Corporal Hunter was sent to show the road to convey the troops to Golden Grove (it must be remembered that Corporal Hunter was born and, until he enlisted, lived in the district), and yet, having at least one serjeant and other corporals, Ensign Cullen sends the guide away; and surely, if it seemed necessary to send on to provide quarters for the men, a serjeant was much more adapted to the discharge of this duty than a corporal. But what do we find going on elsewhere as throwing the true light on this point of the inquiry; Mr. Harrison rides with Captain Adcock, and they get to Golden Grove together. Says Mr. Harrison, in evidence, "When I arrived at Golden Grove, two troopers, Berry and Brandon, were sent on by Captain Adcock; their orders were to rendezvous at the bridge; but, on my information that there were no houses there, they (meaning Berry and Brandon) were recalled, and were told that they (meaning Ensign Cullen and his detachment) were to meet at Golden Grove." Here, then, we do not see Corporal Hunter on the stage, making any report to Captain Adcock; and, according to Mr. Harrison, Captain Adcock would have proceeded to the post-office but for the information supplied by him (Harrison) about the accommodation, whereupon Adcock sends to summon Cullen and his men. To believe Ensign Cullen the Court must disbelieve almost all the other witnesses; for, putting aside the improbability of his acting in such direct contravention of orders, and the inconsistency of his so acting, with what passed between Captain Adcock and Mr. Harrison, he acted, he says, upon the report of a flogged rebel who came from Morant Bay that morning, and was returning home; and all the other witnesses say, not only that no one came to the post-office while they were there, but that no one could have come there without their knowing.

No. 5. That several persons who were present did not see any men shot, and they must have seen it had it occurred. This is a sister statement to No. 4; they tend to support each other. It is spoken to by Ensign Cullen, Hunter, Maddix, O'Connor, Wolstenholme, Gordon, Blythe, and Leslie, eight witnesses, five of whom, namely, Ensign Cullen, Hunter, Maddix, Gordon, and Blythe, are the same who (with the addition of Sinclair and Cruikshank) speak to No. 4. Not to quote their words, which would be tedious, I may shortly say that they all deny the shooting; and, as a man who would tell this untruth may be readily supposed to be quite capable of telling No. 4, I may be permitted to incorporate the two statements. To answer a case, then, made out against the prisoner by the clear testimony and means before described, what is put forward? Eight men, one himself under the same charge and recently tried for it, and seven soldiers, all under his command, if not now, certainly at that time all more or less involved in the charge. These eight men say the act was not done, and to prevent the possibility of their falling into any mistake, or affording any clue by which they may be embarrassed, or any contradictions may appear in their testimony (except the fortunate one of Leslie's complete contradiction of Corporal Hunter's absence), they say, what one of them, Ensign Cullen, contradicts, that during

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the whole of that day, from their arrival at nine o'clock in the morning to their departure at three in the afternoon, no one single soul came to that post-office, it being a Saturday, a market day, with a market a mile off, and a shop at the spot at which it must be supposed the people of the neighbourhood were in the habit of resorting. Before the Court, then, can acquit this prisoner, it must make up its mind to believe these eight men, five of whom are the same who swore, in like manner, that Billy Gray was not shot, and it must reject all the testimony for the prosecution, for upon this, and this alone, I submit, the issue depends. All the remaining evidence is inapplicable and redundant, and what little of it may, upon examination, be found to be true, will also be found to be impertinent, and what may be said to affect the case will be divested of all semblance of truth by the tests and comparisons to which it can be subjected, and will be destroyed by its conflict, as I may say, with itself. Repeating, then, my regret that I have to discharge a duty which is very painful to me, but which I will not shrink from, I must call upon you to pronounce the condemnation of untruthfulness against these three men, Maddix, Gordon, and Leslie. I am unable to suggest any means by which you can determine either of the charges, without either absolutely disbelieving these eight men or rejecting the entire evidence for the prosecution, including that which the finding of the three bodies and the absence of the four men furnish.

No. 6. That several persons passed the next day and saw no dead bodies and no one digging graves. I will begin to dispose of this statement by referring to four of the 10 witnesses who speak to it, namely, Fowles, Chisholm, Astwood, and Davis; two of these, namely, Fowles and Davis, say very little, and their evidence is scarcely worth referring to; the general remark, however, may with confidence be made, that it was not likely, nay, it was not possible, for any person riding or walking from Golden Grove to Amity Hall over the Iron Bridge to see the dead bodies of the three men at the bamboo rail; it has not been stated by any of the witnesses for the prosecution, nor was it ever pretended by anyone, that the body of a person standing at that bamboo rail can be seen by a person either standing at the post-office or going over the bridge; all that has been asserted is, that the head of a person standing at the rail when erect would be visible from the post-office, and the heads of the men who were shot, according to the witnesses for the prosecution, fell when the shot was received, and then nothing was seen. Mr. Chisholm, the witness, who says least next to these two, you may remember, only went as far as the Iron Bridge; but he could not remember how long he was away, nor does he remember at what hour he went there; thus, speaking very loosely as to time, and, no doubt, with as much looseness as to distance. To make up the four, then, we have Mr. Astwood; he is one who takes such interest in the issue of this inquiry as to have returned to the post-office to make experiments as to sight and distance, in order to convince the Court against its own personal observation. He went, like Fowles and Davis, over the bridge; but he is obliged to say, "that from recent observations he could not have seen them had they (meaning the bodies) been there." Of the remaining six, Berry says least; he spoke fairly enough; he went into a grass piece opposite the post-office, and then in a direction to the right; the place where the bodies are said to have been tied being in a direction to the left; he there made entomological observations of black insects which he saw on some canes, and he came away. There need be no more said to show why he did not see the dead bodies than to call the attention of the Court to the locality. I must, therefore, say, that out of 10 witnesses who speak to a statement which, viewed superficially, seems to be important. I am able to dismiss five without in any way impeaching their testimony. There are three who come into something like collision, Harrison, Brass, and Watson, that is, among themselves; but they also come into collision with the remaining two, Bedford and Cox. Of Harrison, first, "He was guide during a slight stoppage; a few of the men went down on the eastern road towards Holland Bay, beyond the suspension bridge. I asked Captain Adcock if he was going to Holland estate, and he said "No." I then said, "These people are going a wrong road, and there was a regular shout calling them back." Now, it is, it must be, to those who know the locality, beyond the possibility of a doubt, that when the shout was given the men who were going the wrong road were in sight; but before I proceed to deal with his evidence as affecting others, let me first show that Mr. Harrison himself could not have seen the dead bodies, and so dispose of his evidence, except in so far as I may require it with respect to other witnesses. He, you may remember, stopped at the cotton tree to the westward rather of the post-office, and looked over the fence for his black horse. The Court knows, from personal observation, that from the spot where that cotton tree stands he could not have seen the dead bodies. He then, in cross-examination, says, "I barely went to the blacksmith's shop." The Court also knows where this is, and that, from that spot, too, he could not have seen the bodies; he, therefore, is disposed of, and, so far as his evidence is applicable to the facts in issue, I may say of him as of the first five; but he is involved in the contradictions which I am about to refer to. I begin with Mr. Brass, and I might at once dismiss him, as I have the five first, without censure, but that I require him, too, to establish a great mistake on the part of Mr. Watson. Brass says, "We kept the straight road, the main road leading to Holland Bay; there were several of the troops that went on this road, Serjeant Allan, Private Watson, and others." Here you see Watson in company with Brass. "I heard a shouting calling us back, and I turned back; Watson was one file in advance of me; I went down the road, I should say from 25 to 30 yards, reckoning from opposite the Iron Bridge; Watson was not more than a horse's length before me; when I say that, I mean that he was as close as we possibly could ride together, he being in the front and I next to the man behind him." Now, then, taking Brass by himself, it is

is agreeable to me to be able to say that I can honourably dismiss him, too; he spoke fairly enough, and showed no feeling; going down the road the length he did he could not have seen the bodies, that is, taking the utmost distance, he guesses (30 yards); but I must bring him in contrast with the remaining man of the first eight of the 10 who speak to this point, namely, Mr. Watson. It may, perhaps, have come under the notice of the members of this Court, that in giving an account of any occurrence, especially where the relators are young people, there is almost always one who tries to excel in power of description, and even to the extent of rudely interrupting others, to monopolise the audience, and to strive at obtaining the praise of being the hero of the occasion; and this feeling not unfrequently leads to the admixture of romance in the relation of an incident which, without it, would, perhaps, be wanting in point or excitement. And thus it is with Mr. Watson; forgetting the modesty with which most people would speak, who depend on memory, of a transaction which occurred 13 months ago, and in which at that time he could not have taken much interest, he, beyond all the witnesses, tells the Court that he went down the Holland Bay-road 250 yards; and then, this question being put to him, "Did you then take notice of a bamboo draw rail in a logwood fence on that Holland Bay-road, are you sure?" Mr. Watson, not content with answering "Yes," which yes, to a question so framed, would have implied that he was sure, thinks it right to make assurance doubly sure by answering, "Yes, I took notice of it; I am positive I saw it on that morning;" which means I am positively sure or surely positive. Let me quote a little more of his evidence. Mr. Harrison, he says, ordered him back, and the order was given by word of mouth. "I heard the order given, and I returned in obedience to it." *Q.* "Where was Mr. Harrison when he gave the order?" *A.* "He came pretty near to us." *Q.* "State, as near as you can, how near Mr. Harrison came to you?" *A.* "Within a very few yards, to the best of my recollection." *Q.* "This, then, was when you, and the others with you, were about 250 yards on the Holland Bay-road, as you say?" *A.* "Yes." Then he says that Allan, Lofthouse, and Brass returned with himself and Mr. Harrison to the post-office, where he found the others in the act of crossing the bridge. Now, not to tire the Court with the quotation of any more of Mr. Watson's evidence, it is clear that he, Mr. Harrison, and Mr. Brass, cannot all be right. Who, then, is wrong? If you say that Watson is, the whole difficulty about not seeing these bodies is swept away (with the exception, next to be noticed, Bedford and Cox's evidence); but it is not fair to say that a man is wrong merely to get rid of a difficulty. Is there any other reason, then? There is; because, in order to believe him, in addition to disbelieving Harrison and Brass, you must also disbelieve those who buried the bodies, and all those who saw them exposed there before they were buried on the Sunday morning. Is there yet any other reason? Yes; because the account which Brass and Harrison give is more consistent with other circumstances. "I heard a shouting calling us back, and I turned back," says Brass. "I saw the men going on the Holland Bay-road and I called them back," says Mr. Harrison. Now, these two statements are quite irreconcilable with the fact that they were 250 yards down the road, when, as Watson says, Harrison came within a very short distance of them and turned them back. The solution of this, then, is, that Brass and Watson, with the others spoken of by them, went, at the outside, 30 yards down the road, passing Mr. Harrison; that Harrison saw them going, and he and others called them back, that the main body passed on over the bridge, and Harrison diverged a little, that is, kept the Holland Bay-road, and went on it as far as the smith's shop, when he met them, and then all passed over the bridge; it is no wonder, then, that they did not see the dead bodies. There was a question persistently asked of each of these witnesses which might well have been spared, because the facts were very clearly established in the case for the prosecution; it was, whether any of the witnesses had seen any persons that Sunday morning with hoes, shovels set or digging graves. The hour at which this party left Golden Grove was fixed beyond any mistake at between seven and eight o'clock; it was at least ten o'clock when Manning spoke to the black soldier, who passed on to Amity Hall; and Zachariah Bayley, a very intelligent witness, says, that when he and the others went to bury the bodies, "this time them (meaning the Golden Grove party) done burn the meeting house, and gone." That Sunday morning's conflagration and destruction of a place of worship was done, according to Mr. Astwood's evidence, at nine o'clock, and it is shown by all the witnesses for the prosecution that the bodies were buried between 11 and 12. I am brought now to consider the evidence of two witnesses, Bedford and Cox, who make up the 10 spoken of at the commencement of this No. 6 division or statement. These two men, private soldiers of the 26th Regiment, happened, according to their statement, to have accompanied the party which left Golden Grove early in the morning of the 22nd. If they are to be believed, Harrison, Brass, and Watson cannot be; permit me to show why. Bedford was first examined; he says, "I stopped at the post-office for a few minutes to change my saddle; I spoke to a man standing against the post-office, I don't know who he was. I went straight down the Holland Bay-road, between 200 and 300 yards from the post-office. I saw no dead bodies; Cox and Barnes accompanied me, and Barnes is dead; the main body had nearly reached the first village, when I returned back and overtook them, and the main body was setting fire to a house. I did not notice a bamboo rail fence, I had only been there once." *Q.* "How did you know it was the Holland Bay-road you went on that morning; did you know it at the time, or did you learn it since?" *A.* "I ask the man at the post-office I was talking to that morning the name of the two ways. I arrived with the main body at the post-office; we had a race down the road for our own amusement. I am rightly understood to say that the race was before any of the party left the post-office to go in any direction; and I am rightly understood to say that on my return, the

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remainder of the party was onwards, near to the little village". Then he is asked, "On your return to the post-office, did you overtake or pass anyone on that road?" and he answers, "No." Cox says," I went straight along the road; I stopped at the post-office, one of the men that was with me, Private Bedford, had a portion of his saddle broken, and he stopped to change it; I went down that road in the latter part of the old year, this December last (he was examined in January 1867). I went down the road on the Sunday, 22nd October 1865, between 200 and 300 yards; Bedford and Barnes were with me. I saw no dead bodies on that road, nor any tied to a bamboo draw rail fence near the road; when I returned to the post-office the detachment had marched on. I overtook them at the next village." Then this question was asked of him: "On your last visit to the Holland Bay-road, did you, in the presence of anyone, examine the bamboo fence in the grass piece opposite the post-office?" And he answers, "I was by myself, I saw the bamboo fence." On his cross-examination he says, he had never been on the road from Golden Grove to Amity Hall, or the road he calls the Holland Bay-road, before Sunday, the 22nd October 1865; he also says, "they (that is he, Bedford, and Barnes) were the first to leave the post-office; he rode as fast as the horse could go; he saw no one, either going or coming, besides the two men that went with him. On his return to the post-office, the rest of the party that left Golden Grove had gone on; there was none at the post-office on his return; he did not know on the 22nd October 1865 that it was the Holland Bay-road he went on, and he only knew it as such when he was down there in last December." Now, I ask the Court, in the first instance, to contrast the evidence of these two men with that of Harrison, Brass, and Watson, and to say, after doing so carefully, if both sides can be right? Had Bedford and Cox been, as they say, the first to leave the post-office after all arrived there, having waited a few minutes to change the saddle, and had they galloped 300 yards down the Holland Bay-road as fast as a horse could go, how is it possible they could have avoided passing Brass and Watson who, without stopping, rode slowly straight on the same road; or how is it possible the two parties could have avoided meeting, as Brass and Watson were going down, and Bedford and Cox returning, and yet Bedford and Cox are positive in saying that they neither passed anyone, overtook anyone, or saw anyone, and when they returned to the post-office all had passed on as far as the first village? You must remember both parties speak very positively; you cannot, therefore, reconcile the two accounts in their entirety. Let us see if there is any means by which both may possibly be shown to be to some extent right, and only wrong, not from wilful misrepresentations, but because of too great a reliance on impressions which are calculated to serve a cause to which they are favourable. First, then, I say, let the account given by Mr. Harrison, Watson, and Brass stand as I left it when dealing with them, and examine with me Bedford and Cox's grounds for their statement. To begin with, the Court must remember that neither of these men ever were on that road or in that vicinity in their lives before, and Bedford never since. The other, Cox, for some reason which may suggest itself to the memory of the Court, has been taken down to the place recently, in December 1866. Bedford says he asked the man at the post-office at the time the names of the ways, and was told. Cox admits that he knew nothing of the names of roads at the time. It must, I am sure, be in the experience of every grown-up person how common a thing it is for an individual to go for the first time on a road, and afterwards in the same district of country, to go on another road, and to be forcibly impressed with the conviction, from general appearances, that the second is the same road as that first travelled; and as the Court has been to the district, may I not ask if the features of the country round about are or are not such as could readily lead to such a mistaken impression? One of these men was not so clear about the road, but that it became necessary to take him back again, and the other merely heard the names on the morning, and may very possibly, in the confusion and his anxiety and hurry to get his saddle changed, have mistaken the information he then received. I am disposed to admit that these two men did take a ride that morning, but not on that Holland Bay-road; and when the Court brings to mind the statement that they left for the race, while yet their commanding officer and all the others were at the post-office, and that had they gone on that Holland Bay-road, the commanding officer must have seen, and would, in all probability, have stopped them, the belief becomes almost irresistible, that as the body was about to move off they took a gallop backwards on the road that leads towards the Duckenfield estate, and branches off the direct road from Golden Grove in a southerly direction, almost at a right angle. If this is not the correct account, then, painful as it is, I must ask the Court to add the names of these two men to the eight whom, when disposing of statement No. 5, I have felt it my duty to condemn. I come now to the last statement of any importance in the defence.

No. 7. That Brooks was sick and unwell to go to Holland Bay or Holland estate on the Sunday morning, and did not go. This is a collateral issue, and has been raised because of the great importance which the defence evidently attaches to the evidence of a person in a particular and different position in life to the generality of the witnesses for the prosecution. No doubt Brooks (except those who may be called the official witnesses, such as the medical men and officers) is the only witness for the prosecution of unmixed English blood, and the only one who belongs to the planting community; it is not suprising, therefore, that powerful efforts should have been made to nullify his evidence. Let us see how it has been effected. Altogether 13 witnesses have been examined as concerning *him*, but the number who speak to any material point is very small. I will first pass Mr. Mais, Cruikshanks, Stuart, Ford, Myers, Moyle Wilson, Chisholm, Frank McDermott, and Lowe, under review. I must call attention to the time during which Brooks was away, say from 7.30. to 10.30. a.m., at the outside. Mais says that he saw Brooks at Golden Grove that Sunday, but he

fixes

fixes no hour; he goes on to say, "He (meaning Brooks) did not leave Golden Grove to my knowledge during that day, and he adds, that he himself was suffering from pains, and was in the barracks the whole day." He says in generalities, "That Brooks was sick, and that he did not leave Golden Grove that day to his knowledge;" but he does not venture to go into particulars, and say that which alone is material, namely, that he saw Brooks at Golden Grove between 7 and 11 a.m. on that day, and it is quite possible that Brooks may have left and returned between those hours without his knowledge. The next is Cruikshanks; little enough it is he says; this is all: "Mr. Chisholm appointed Frances Thompson to attend to the sick; Mr. Brooks and Mr. Mais were very sick; I gave out the articles of food. I know of my own knowledge that Alvarenga was attending Mr. Brooks the whole time he was sick, for he came daily to the Great House to order such nourishment as he thought fit." There is not a word about his seeing Brooks, and although he says he knew of his own knowledge that Alvarenga was attending Brooks, still that knowledge he shows was obtained from the fact, that Alvarenga came to him at the Great House for nourishment, said to be for Brooks. Next comes Mr. Stuart, and he says, "I saw him (meaning Brooks) the Sunday morning before seven o'clock in his room, complaining of being sick; I forget whether he was in bed or not." He is then asked, "Did Mr. Brooks go out of Golden Grove that Sunday, to your knowledge?" to which he answers, "He never went out that day to my knowledge; I saw Dr. Alvarenga that afternoon attending him (Brooks)." The nearest approach then which this witness can make, is seven in the morning, when he saw Brooks complaining: but he does not remember if he (Brooks) was in bed or not; and in the afternoon, when he saw Alvarenga attending him. Of what avail is this evidence to show that Brooks was not away from Golden Grove between 7.30 and 10.30 a.m. that day. Then comes David Ford. The Court cannot forget how the witness fenced the questions put in cross-examination, and his extreme want of memory on all subjects of inquiry by the prosecution; yet all his evidence comes to, "To the best of my knowledge." Before I proceed, I must ask the Court to take with great circumspection evidence given under this very common caution, and this remark applies to the previous witnesses, for they too only speak "to the best of their knowledge." People who have had any experience of witnesses, will tell you there is a class of them who do not think it amiss to say anything so long as they are able to protect themselves by what they believe is a safeguard against the charge of wilful misrepresentation. It is a common thing to hear said by a person who has given evidence, "I may be wrong, but I did not speak positively; I only said, to the best of my knowledge and belief." Well, then, to the best of Mr. Ford's knowledge, he (meaning Brooks) remained in the barracks the whole of the next day (meaning Sunday). On his cross-examination, however, in answer to two questions, "Did you see Mr. Brooks that Sunday?" he says, "I did." Then he is asked, "When did you see him?" and he says, "I cannot state the hour; to the best of my knowledge he was in the room all day;" he himself was walking about sometimes in the yard and sometimes in the barracks: even giving him all the benefit of the best of his knowledge, this witness does not undertake to swear to that which alone is material, namely, that Brooks was not away from Golden Grove Estate between 7.30 and 10.30 a.m. that day. Myers comes next, and he says that Brooks did not leave the barracks the next day (Sunday), to the best of his knowledge; but he says, he (Myers) had no orders to remain within doors. "To the best of his recollection," he saw Brooks that morning in and about the barracks; and the man whom all the other witnesses describe as having been very sick at that time, this witness says, was walking about in and out the barracks like himself, having nothing particular to do. He, like the others, although protected by the best of his knowledge, does not venture to fix any time, or to say that it was impossible for Brooks to leave, or that he did not leave Golden Grove Estate between 7.30 and 10.30 that morning. Moyle Wilson comes next, and lest he, being young, was not up to guarding his evidence by "the best of his knowledge," it is put in the question thus: "Did Mr. Brooks go out to bring in any prisoners that Sunday, to the best of your knowledge; was he well enough to do so?" and he answers, "Not to my knowledge; he was not well enough when I saw him; that was about 6 or 7 a.m." He then goes on to say, that he was with the detachment under Adcock, Ford, Astwood, and others; therefore he could know nothing of Brooks's movements after that detachment left. Mr. Chisholm says, Brooks was sick on Saturday and Sunday; he is not asked, and does not venture to say one word about seeing Mr. Brooks on that Sunday. In cross-examination, however, he says he saw him during the day, but cannot say what hour it was. Frank M'Dermott says he left at seven a.m. to go to Rhine for beef; he saw Brooks in bed ailing before he left; he returned at one, and saw Brooks still in bed. What might have happened while he was at the Rhine, it was impossible for him to tell, and he does not. Lowe says, "I did not see Brooks go out on the 22nd, or bring in prisoners; he was not in a fit state to leave Golden Grove on the 22nd." On cross-examination, he says, he came out of his room at 10 or 11 a.m., and went back at night; he saw Brooks in the morning after he came out of his room that day in his (Brooks's) room. And in answer to a question by the Court, he fixes the time at which he saw Brooks as half-past 11. Great reliance seems to be laid upon this witness, because he is said to have been sick and lying down in a room the third from that said to have been occupied by Brooks in that same overseer or book-keeper's barracks, and that, according to the construction of the house, Brooks could not have left his room without going through the hall, nor without this witness hearing him. Now, in the first place, the statement is completely destroyed by one of the witnesses for the defence, Frank McDermott, who says there is a trap-door in that very room in which Brooks is

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said to have been, which is usually used by the servants, and by means of which one can leave the room unheard and unseen, and gain the outside. In the next, although it was attempted to show, and at first did seem that the place was like a sick house, very quiet, and that Lowe and Brooks, two patients *in extremis*, were there, not to be disturbed, and that none but the nurse and doctor had access to the well-appointed sick chambers, yet very soon was the whole of this illusion dispelled when witness after witness told that this and that and the other shared Brooks's bed with him; that the people were all day going in and out, that the building was bereft of doors or windows, that all the sheets, towels, &c., were taken away by the rebels, that these barracks were at the free use of any number of the 70 or 80 people who were on that day congregated on that estate; and the evidence winds up with the account of James Wilson, who says some rooms had six, some four, some in the hall just where they could get a place. There is no denying that all these nine witnesses give much loose evidence to the effect that Brooks was sick on the Saturday and sick on the Sunday; that he was a lazy fellow; that he did not bring in any prisoners, and that he was attended by a doctor and nurse; but all this goes for nothing; the point to be met is, was he or was he not away from Golden Grove that morning between 7.30 and 10.30? The prisoner himself has acknowledged that it is; for in his objection to my application to the Court to be allowed to re-examine Brooks in rebutter as to his alleged sickness, what does he, the prisoner say? "The matter mentioned in this application also is one which does not strictly come in rebutter at all on any main point; the point is, where he was on that Sunday there is his evidence already." This alleged inability of Brooks to leave Golden Grove is in the nature of another "*alibi*" raised by the defence. Let us test it in this way: suppose that the prisoner was on his trial for an offence committed at Holland Bay or Holland Estate on that morning, the 22nd October 1805, and that (a *primâ facie* case having been made out against him) in defence he had put these nine witnesses on the boards, who proved all they had said before this Court, could any judge charge the jury favourable to the prisoner, or could any intelligent and impartial jury acquit the prisoner on such evidence? Would it clearly establish the impossibility of the prisoner having been away between the hours stated without these witnesses knowing that he had left? Would it even leave a reasonable doubt on the point? Most certainly not; not one of these witnesses saw Mr. Brooks anywhere on Golden Grove Estate between 7.30 and 10.30 that morning; they do not cover the time; as unmistakeable as their animus is, the whole nine of them, in my judgment, they give no evidence of the least materiality. Somewhat different however is the testimony of the remaining four witnesses of the 13 who speak to this point of Brooks's sickness and presence at Golden Grove at the time when he says he was at Holland Bay and Holland Estate. I shall not quote any of the evidence of Frances Thompson and the man they call Dr. Alvarenga; it is enough to say that if they are to be believed they establish the position assumed by the defence. I will however quote shortly from the evidence of the remaining two before I make any general remarks: James Wilson, he is now a book-keeper at Golden Grove Estate. *Q.* "How often did you see Mr. Brooks on that Sunday?" *A.* "I went in there (meaning the room in which Brooks was said to have been) about three or four times; I went in about 15 minutes after seven, and after nine a.m.; I went also at one and at four p.m.; Mr. Brooks was not able to leave Golden Grove, as he was lying down sick the whole day." McFarlane sails close enough to the wind, but not, I think, so close as to make his evidence of any avail. I think we can let him pass without condemnation, and yet say he has not advanced the defence. He is asked, "Where was Mr. Brooks on that Sunday?" and he replies, "He (meaning Brooks) was in the room that day; I was ill that day, and was in the room, and he occupied the same bed with me in the room." He was not asked, and he did not say, whether or not Brooks left the room at any time during the day; the question is loose, and the answer equally so. Altogether then, I may say, it appears to me that this point, which has been so much laboured and relied on by the defence, has failed to destroy the additional support which the case for the prosecution derives from the evidence of Brooks, Hamilton, Speed, Bignall Sproul, Hunter, Brown, and Richard Roden Francis: all the vague evidence based only on expressed belief or opinions which a witness may safely venture to give, because it scarcely admits of refutation, however untrue, may be cast away; and the evidence which alone establishes a fact that can be dealt with or recognised as entailing the ordinary legal responsibilities, is that given by Thompson and Alvarenga, and Mr. James Wilson's one statement that he saw Mr. Brooks at Golden Grove at nine a.m. that day. It is quite true that all the 13 witnesses say Brooks was sick, but that is so wide a statement that the Court must see, in such a case as this especially, that it is wholly unsafe to accept it. Suppose an indictment should be preferred against any of these witnesses for perjury in swearing that Brooks was sick that morning, and it was established that he had gone to Holland Bay and Holland Estate and brought in prisoners that morning, the defence would be that the statement that he was sick was not material, and the prosecution would fail; this Court therefore must, I submit, consider only that which is material. And then, by whom is the evidence of sickness given? Take the whole 13; is there one who does not betray himself as belonging to that combination which may not inaptly be called the Golden Grove confederacy; all of them, either are or have been on Golden Grove in one capacity or another, and although they make out Brooks to be the worst character possible, lazy, worthless, untruthful (says Mr. Chisholm), and, in short, everything that is bad, yet we find, if we believe it, that they give him the best room, provide him with a nurse and doctor, furnish him with plenty of nourishment, and, in short, treat him in a way which, if we believe it, proves him to be a very ungrateful man to turn round and, according to them, at the sacrifice of truth, to involve those

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